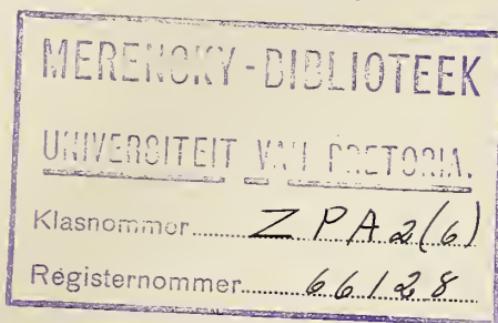




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THEAL

RECORDS OF THE CAPE COLONY.



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RECORDS
OF THE
CAPE COLONY

From JULY 1806 to MAY 1809.

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BY

GEORGE McCALL THEAL, D.LIT., LL.D.,
COLONIAL HISTORIOGRAPHER.

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RECORDS OF THE CAPE COLONY.

[Office Copy.]

Commission to the EARL OF CALEDON.

GEORGE THE THIRD by the Grace of God King of the United Kingdom of Great Britain and Ireland Defender of the Faith &c To Our Right Trusty and Right Wellbeloved Cousin Dupré Earl of Caledon of that Part of Our United Kingdom called Ireland Greeting Whereas the Castle Town and Settlement of the Cape of Good Hope in South Africa with the Territories and Dependencies thereof are now in Our Possession and Whereas by an Act passed in the Present Session of Parliament Intituled " An Act to authorize His Majesty until the 25th day of March 1807 to make regulations respecting the Trade and Commerce to and from the Cape of Good Hope " We are enabled by and with the Advice of Our Privy Council by any Order or Orders to be issued from time to time to give such directions and make such Regulations touching the Trade and Commerce to and from the said Settlement and the Territories and Dependencies thereof as to Us in Our Council shall appear most expedient and salutary anything contained in an Act passed in the twelfth Year of the Reign of His Majesty King Charles the Second Intituled " An Act for the encouraging and encreasing of Shipping and Navigation " or in an Act passed in the 7th and 8th Years of His Majesty King William the Third Intituled " An Act for preventing Frauds and regulating Abuses in the Plantation Trade " or any other Act or Acts of Parliament Law Custom or Usage to the Contrary in any wise notwithstanding Provided nothing in the said Act contained should in any manner be construed to infringe the Rights Privileges and

Advantages belonging to the United Company of Merchants of England trading to the East Indies and Whereas We are desirous of providing for the temporary Government of the said Castle Town and Settlement with the Territories and Dependencies thereof during Our Pleasure and until We shall think fit to make further or other Provision touching the same Know You that We reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said Dupré Earl of Caledon of Our Especial Grace Certain Knowledge and Mere Motion have thought fit to that end to constitute and appoint You and by these Presents do constitute and appoint You the said Dupré Earl of Caledon to be Our Governor and Commander in Chief in and over the said Settlement of the Cape of Good Hope in South Africa with its Territories and Dependencies as also of the said Castle and all Forts and Garrisons erected and established or which shall be erected or established within the said Settlement Territories and Dependencies for and during Our Will and Pleasure and We do hereby require and command You Our said Governor during Our Pleasure to do and execute all things in due manner that shall belong to your said Command and the Trust We have reposed in You according to the several Powers and Directions granted or appointed You by this present Commission and the Instructions herewith given You or by such further Powers Instructions and Authorities as shall at any time hereafter be given and granted or appointed you under Our Signet and Sign Manual or by Our Order in Our Privy Council or by Us through One of Our Principal Secretaries of State And Our Will and Pleasure is that You the said Dupré Earl of Caledon do take the Oaths and subscribe the Declaration which by Our said Instructions herewith given You are appointed to be taken and subscribed by You in such manner as therein expressed And We do further give and grant unto You the said Dupré Earl of Caledon or to any Person or Persons duly authorized by You in that behalf full Power and Authority from time to time and at all times hereafter until We shall make further or other Provision touching the same to administer and give the Oaths in an Act passed in the first Year of the Reign of King George the First Intituled "An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the Pretended

Prince of Wales and his open and secret Abettors" and the same is altered and explained by an Act passed in the sixth Year of Our Reign Intituled "An Act for altering the Oath of Abjuration and the Assurance and for amending so much of an Act of the 7th Year of Her late Majesty Queen Anne Intituled An Act for the Improvement of the Union of the two Kingdoms" as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason to all and every such Person or Persons as you shall think fit who shall hold any Place of Trust or Profit or shall at any time or times pass into the said Settlement or shall be resident or abiding therein except in the case of Persons professing the Religion of the Church of Rome or other Evangelic Mode of Worship than that of the Church of England And Whereas We may find it convenient for Our Service that certain Offices or Places within the said Settlement should be filled with Our Subjects observing other Evangelic Mode of Worship than that of the Church of England It is therefore Our Will and Pleasure that in all Cases where such Persons shall or may be admitted into any such Office or Place the Oath prescribed in and by An Act of Parliament passed in the fourteenth Year of Our Reign Intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America" and also the usual Oath for the due Execution of their Places and Trusts respectively shall be duly administered to them in lieu of all other Tests and Oaths whatsoever And We do further Give and Grant unto You full Power and Authority from time to time and as often as You shall see occasion by yourself or by any other Person or Persons to be authorized by you as aforesaid to administer and give the said Oath prescribed in and by the aforesaid Act of Parliament passed in the 14th Year of Our Reign Intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America" to all and every such Person or Persons professing the Religion of the Church of Rome or other Mode of Evangelic Worship different from that of the Church of England who shall at any time or times pass into the said Settlement or be resident or abiding therein in lieu of the Tests and Oaths above directed to be given to them in that behalf And We do hereby give and grant unto You the said Dupré Earl of Caledon by Yourself or by Your Captains and Commanders to

be authorized by you full Power and Authority to levy arm muster command and employ all Persons whatever residing within the said Settlement and as occasion shall serve to march them from one place to another or to embark them for the resisting and withstanding of all Enemies Pirates and Rebels both at Land and at Sea and (if it shall so please God) to vanquish apprehend and take them and being taken to cause Execution to be done upon them according to Law or to keep and preserve them alive at your discretion and to execute Martial Law in time of Invasion or at other times when lawfully it may be executed and to do and execute every other thing or things which to Our Governor or Commander in Chief doth or ought of right to belong according to the Provisions which by this present Commission or otherwise We have made or shall make for the temporary Government of the said Settlement with its Territories and Dependencies during Our Pleasure And We do hereby give and grant unto You full Power and Authority when you shall see cause or judge any Offender or Offenders for Criminal Matters or for any Fines or Forfeitures due unto Us fit Objects for Our Mercy to pardon all such Offenders and remit all such Offences Fines and Forfeitures High Treason and Wilful Murder only excepted in which cases you shall likewise have Power upon extraordinary occasions to grant Reprieves to the Offenders until and to the Intent Our Royal Pleasure may be known therein And We do hereby require and command all Officers Civil and Military and all other Inhabitants of the said Settlement to be obedient aiding and assisting unto You in the execution of this Commission and of the Powers and Authorities herein contained And in case of your Death or necessary Absence from the said Settlement if there be no Person upon the place commissioned or appointed by Us to succeed to the Vacancy which thereby might take place in the Office of Governor within the said Settlement for the purpose of the temporary Government so intended by Us to be provided during Our Pleasure as aforesaid Our Will and Pleasure is that the Officer for the time being Commanding Our Forces in the said Settlement do take upon him the Power and Office of Governor of the said Settlement and execute this Our said Commission and Instructions according to the several Powers and Authorities therein contained for and during Our Will and Pleasure And We do hereby declare ordain and appoint that You the said Dupré Earl of Caledon shall and may hold and enjoy

the place of Our Governor and Commander in Chief in and over the said Settlement of the Cape of Good Hope as also of all Our Forts and Garrisons erected and established or to be erected and established in the said Settlement its Territories and Dependencies with all and singular the Powers and Authorities hereby granted unto you for and during Our Will and Pleasure Provided always that nothing in this present Commission contained or any Act which shall be done under the Authority thereof shall extend or be deemed or construed to extend to prevent Us Our Heirs or Successors from making such further or other Provision for the Government of the said Settlement its Territories or Dependencies or any part or parts thereof at Our Will and Pleasure and as circumstances may require We meaning and intending fully and absolutely and to all Intents and Purposes whatsoever to reserve to Ourselves Our Heirs and Successors such and the same Rights and Powers in and over the said Settlement with its Territories and Dependencies and every part thereof and the Government thereof and of every part thereof as if these presents had not been made anything in these Presents contained or any Law Custom Usage Matter or Thing whatsoever to the contrary in any wise notwithstanding Witness Ourselves at Westminster this 30th day of July 1806 in the 46th Year of Our Reign

By Writ of Privy Seal

(Signed) BATHURST AND BATHURST.

[Office Copy.]

*Letter from THE RIGHT HONOURABLE WILLIAM WINDHAM to
LIEUTENANT GOVERNOR GREY.*

DOWNING STREET, 31 July 1806.

SIR,—Mr. John Peter Baumgardt, who formerly held the Office of Receiver of the Land Revenue at the Cape of Good Hope, having been strongly recommended to me, not only for his general Conduct whilst that Settlement was before in His Majesty's Possession, but also for the meritorious attention to his Official Duties, by which the Revenues of the Colony were very considerably increased, I am to request that on the Arrival of that

Gentleman at the Cape you will appoint him to the Office of Receiver General of the Land Revenue, and also that you will appoint him one of the Judges of the Court of Justice, which Place he likewise formerly held.

In the Event of any other Person having been appointed to the former Office by General Sir David Baird, my Intention is that my present Recommendation should supersede such appointment, also that in the Event of any Difficulty or Obstacle which I can not foresee arising to Mr. Baumgardt being appointed a Judge of the Court of Justice, on the same Footing on which he before held that office, he should in this last case be appointed Ranger of the Forests and Superintendent of the Lands appertaining to the Colony of the Cape of Good Hope. I am &c.

(Signed) W. WINDHAM.

[Office Copy.]

*Instructions to Our Right Trusty and Right Wellbeloved Cousin
 DUPRÉ EARL OF CALEDON of that part of Our United Kingdom
 called Ireland Our Governor and Commander in Chief in and
 over the Settlement of the Cape of Good Hope in South Africa
 Given at Our Court at Saint James's the 1st day of August
 1806 in the 46th Year of Our Reign*

1st. With these our Instructions you will receive Our Commission under Our Great Seal of Our United Kingdom of Great Britain and Ireland constituting you Our Governor and Commander in Chief in and over the Settlement of the Cape of Good Hope in South Africa now in Our Possession in the execution therefore of Our said Commission you are to take upon you the Administration of the Government of the said Colony and to do and execute all things belonging to your Command according to the several Powers and Authorities of Our said Commission under Our Great Seal of Our United Kingdom of Great Britain and Ireland and of these Our Instructions to you and according to such further Powers Instructions and Authorities as you shall at any time hereafter receive under Our Signet and Sign Manual or

by Our Order in Our Privy Council or by Us thro' One of Our Principal Secretaries of State.

2nd. As soon after your Arrival at the said Settlement as convenience will permit you are with all due solemnity and in presence of Our Lieutenant Governor or in case of his Absence in the presence of the Commander in Chief of Our Forces there in the said Settlement or such other Person as you shall call to be present for such purpose to cause Our said Commission to be read and published which being done you shall then take the Oaths mentioned in An Act passed in the 1st Year of His late Majesty King George the First Intituled "An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the Pretended Prince of Wales and his open and secret Abettors" as altered and explained by An Act passed in the Sixth Year of Our Reign Intituled "An Act for altering the Oath of Abjuration and the Assurance" and for amending so much of An Act of the 7th Year of Her late Majesty Queen Anne Intituled "An Act for the Improvement of the Union of the two Kingdoms" as after the time therein limited requires the delivery of certain Lists therein mentioned to Persons indicted of High Treason or Misprision of Treason and also make and subscribe the Declaration mentioned in An Act of Parliament made in the 25th Year of the Reign of King Charles the Second Intituled "An Act for preventing the dangers which may happen from Popish Recusants" and you are likewise to take an Oath for the due execution of your Place and Trusts and for the equal and impartial Administration of Justice and you are also to take an Oath required by An Act passed in the 7th and 8th Years of the Reign of King William the Third to be taken by Governors of Plantations to do their utmost that the Laws relating to the Plantations be duly observed subject to such orders touching the Trade to and from the said Settlement as We have made or shall make in pursuance of the powers for that purpose vested in Us by Virtue of An Act of the present Session of Parliament Intituled "An Act to continue until the expiration of Six Weeks after the Commencement of the next Session of Parliament an Act passed in the Thirty-fifth Year of the Reign of His Present Majesty Chapter fifteen" videlicet on the Sixteenth day of March One Thousand Seven Hundred and Ninety-five and

also An Act passed in the same Year Chapter Eighty videlicet on the Twenty-seventh day of May One Thousand Seven Hundred and Ninety-five and also another Act passed in the Thirty-sixth Year of His Present Majesty Chapter Seventy-six videlicet on the fourteenth day of May One Thousand Seven Hundred and Thirty-six relating to the Admission of certain Articles of Merchandize in Neutral Ships and the issuing of Orders in Council for that purpose and to continue for the same period An Act passed in the Session of Parliament holden in the Thirty-sixth and Thirty-seventh Years of His Present Majesty Chapter Twenty-one videlicet on the eighth day of December One Thousand Seven Hundred and Ninety-six Authorizing His Majesty to make regulations respecting the Trade and Commerce to and from the Cape of Good Hope which Oaths shall be administered by Our Lieutenant Governor or in his absence by the said Commander in Chief of Our Forces or such other Persons as you shall call to be present for such purpose.

3rd. You shall also administer or cause to be administered to all Persons that shall be appointed to or hold or exercise any Office or Place of Trust or Profit in the said Settlement except in the Cases hereinafter provided for previous to their entering on the execution of the Duties of such Office or place the Oaths appointed in the aforesaid Acts passed in the First Year of the Reign of King George the First as altered and explained by An Act passed in the Sixth Year of Our Reign And you shall also cause them to make and subscribe the Declaration mentioned in the aforesaid Act of the Twenty-fifth Year of the Reign of King Charles the Second but in cases where any such Office place of trust or Profit within the said Settlement of the Cape of Good Hope shall be conferred on the Inhabitants of the said Settlement who may observe any mode of Evangelic Worship different from that of the Church of England you shall so often as any such Person shall or may be admitted into any such Office place of Trust or Profit administer or cause to be administered to him in the English or Dutch Language as the Case may require the Oath prescribed in and by An Act of Parliament passed in the 14th Year of Our Reign Intituled " An Act for making more effectual Provision for the Government of the Province of Quebec in North America and also the usual Oath for the due execution of such Office Place of Trust or Profit in lieu of all other Tests or Oaths whatsoever.

4th. It is Our Royal Will and Pleasure that for the Present and

until Our Pleasure be further signified the temporary Administration of Justice and Police in the Settlement should as nearly as circumstances will permit be exercised by you in conformity to the Laws and Institutions that subsisted under the ancient Government of the said Settlement subject to such Alterations regulations and Improvements as may have been made during the time the Cape was before in His Majesty's Possession provided you shall find such Alterations Regulations and Improvements to be suitable to the present Circumstances of the Colony and subject also to such directions as you shall now or hereafter receive from Us under Our Signet and Sign Manual or by Our Order in Our Privy Council or from Us through One of Our Principal Secretaries of State and to such directions in consequence of sudden and unforeseen Emergencies or to such Expedient and useful Alterations as may render a Departure therefrom either absolutely necessary and unavoidable or evidently beneficial and desireable and which you are immediately to represent to One of Our Principal Secretaries of State for Our Information but it is nevertheless Our especial Command that all the Powers of Government within the said Settlement as well Civil as Military shall be vested solely in you Our Governor or in the Person having the Government of the said Settlement for the time being and that such Powers as were heretofore exercised by any person or persons separately or in conjunction with the Governor of the said Settlement shall belong solely to you Our Governor or to the Person having the Government of the said Settlement for the time being and It is Our Will and Pleasure that all Public Acts and Judicial Proceedings shall henceforth be done issued and performed in the name of the Governor and shall previous to their being published or put in execution be signed by the Chief Secretary to the Government by the Authority of the Governor or of the Person having the Government of the said Settlement for the time being.

5th. Whereas a considerable part of the Revenue of the said Settlement is derived from the annual Quit Rents paid by the Persons holding Lands granted to them by the Dutch Government Our Will and Pleasure is and We hereby strictly require of you to take the necessary Measures for ensuring hereafter a due regularity in the payment of the said Quit Rents as the only means of preventing the Renewal of the Losses heretofore occa-

sioned by the accumulation of Arrears in this Branch of the Public Revenue.

6th. Whereas it appears by the Statements received from Major General Sir David Baird that the Credit of the Paper Money now in the said Colony has been considerably improved under the various Checks and regulations by which the Issue and Circulation thereof are now governed and carried on and that the Amount of the same is adequate to all the purposes for which Paper Money is requisite and can be applied in the said Settlement without the risk of impairing Public Credit Our Will and Pleasure is and you are hereby required not to alter any part of the Arrangements now in force with respect to this important point nor to add to the total amount of Paper Money now issued and in Circulation without Our especial Authority for so doing specified to you under Our Signet and Sign Manual or by Our Order in our Privy Council or by Us through One of Our Principal Secretaries of State but you will be at Liberty and you are hereby directed to cause fresh issues thereof to be made from time to time as may appear necessary to replace the said Paper Money now in Circulation as may be worn out and defaced or otherwise unfit for further use and you are on no account to omit any forms or regulations which have heretofore been observed on occasion either of destroying any of the Paper Money so recalled from circulation or of making any new issue thereof to replace it.

7th. Whereas, it appears to Us expedient that You or Our Governor for the time being together with Our Lieutenant Governor or in your or his absence you or Our Lieutenant Governor whichever of you may be present should form a Court of Civil Jurisdiction for hearing and determining Appeals within the said Settlement Our Will and Pleasure therefore is that you do in all Civil Causes on application being made to you for that purpose permit and allow Appeals from any of the Courts of Law in the said Settlement unto you or Our Lieutenant Governor provided nevertheless that in all such Appeals the Sum or Value appealed for do exceed the Sum of £200 Sterling and that Security be first duly given by the Appellant to answer such Charges as shall be awarded in case the first Sentence be affirmed And if either Party shall not rest satisfied with the judgement of you or Our Lieutenant Governor as aforesaid Our Will and Pleasure is that they may then appeal to Us in Our Privy Council provided the Sum or Value so appealed

for do exceed £500 Sterling and that such Appeal be made within fourteen Days after Sentence and good Security by the Appellant that he will effectually prosecute the same and answer the Condemnation as also pay such Costs and Damages as shall be awarded by Us in case the Sentence of you or Our Lieutenant Governor be affirmed provided nevertheless when the matter in question relates to the taking or demanding any duty payable to Us or to any established Fee of Office or Annual Rents or other such like Matter or Thing where the Rights in future may be bound in all such Cases you are to admit an Appeal to Us in Our Privy Council though the immediate Sum or Value appealed for be of a less Value and It is Our further Will and Pleasure that in all Cases where by your Instructions you are to admit Appeals unto Us in Our Privy Council Execution shall be suspended until the final determination of such Appeal unless good and sufficient Security be given by the Appellee to make ample restitution of all that the Appellant shall have lost by means of such Decree or Judgement in case upon the determination of such Appeal such Decree or Judgement should be reversed and restitution ordered to the Appellant You are also to admit Appeals unto Us in Our Privy Council in all Cases of Fines imposed for Misdemeanors provided the Fines so imposed amount to or exceed the Sum of £100 Sterling the Appellant first giving good Security that he will effectually prosecute the same and answer such condemnation if the Sentence by which such Fine was imposed in your Government shall be confirmed.

8th. Our Will and Pleasure is that all Orders Regulations or Laws made by you or Our Lieutenant Governor shall when transmitted by you for Our Information and for the signification of Our Pleasure thereon be fairly abstracted in the Margins and accompanied by very full and particular Observations upon each of them that is to say whether the same is introductory to a new Order regulation or Law or declaratory of a former Order regulation or Law then before in being and you are also to transmit in the fullest manner the reasons and occasions for making such Orders regulations or Laws.

9th. You are to give Warrants under your hand for the issuing of all Public Monies for all Public Services and We do particularly require you to take care that all Public Accounts of all Receipts and Payments of Public Monies be duly kept and that Copies

thereof attested by you be transmitted every half year or oftener if there should be occasion to Our Commissioners of Our Treasury for the time being and Duplicates thereof by the next Conveyance in which Aecounts shall be specified every particular Sum raised or disposed of to the end that We may take such Measures as We may deem necessary for the examination of the said Aceounts and that We may be satisfied of the right and the Application of the Revenues of the said Settlement and with the probability of the Increase and Diminution of them under every head and Article thereof.

10th. You shall not remit any Fines or Forfeitures whatsoever above the Sum of ten Pounds nor dispose of any Forfeitures whatsoever until upon the signifying unto the Commissioners of Our Treasury or Our High Treasurer for the time being the Nature of the Offence and the occasion of such Fines and Forfeitures with the particular Sum or Value thereof (which you are to do with all speed) you shall have received our directions thereon but you may in the mean time suspend the payment of the said Fines and Forfeitures.

11th. It is Our further Will and Pleasure that all Commissions to be granted by you to any Person or Persons for exercising any Office or Duty relating to the Administration of Justice or the preservation of Publicie Peace or other necessary office be granted during Pleasure only.

12th. It being of the greatest Importance to Our Service and to the Welfare of Our Plantations that Justice be everywhere speedily and duly administered and that all Disorders delays and other undue practices in the Administration thereof be effectually prevented We do particularly require you to take especial Care that in all Courts established within the said Settlement Justice be impartially administered and that all Judges and other Persons therein concerned do likewise perform their several Duties without delay or partiality.

13th. You shall not suffer any Person to execute more Offices than one by Deputy.

14th. And whereas in pursuance of the Authority vested in Us by an Act passed in the 37th Year of Our Reign Intituled "An Act authorizing His Majesty for a time to be limited to make regulations respecting the Trade and Commerce to and from the Cape of Good Hope" and since continued by an Act of the present

Session for this purpose We were pleased to issue Our Order in Council bearing date the 28th day of December 1796 for regulating the Commercial Intercourse of the said Settlement with this Kingdom and the other parts of the World a Copy of Our said Order in Council and Translations thereof into the French and Dutch Languages will be herewith delivered to you for the guidance and direction of the Inhabitants of the said Settlement.

15th. You shall not by any Colour of any Power or Authority hereby or otherwise granted or mentioned to be granted unto you take upon you to give grant or dispose of any Place or Office within the said Settlement which now is or shall be granted under the Great Seal of this Kingdom or to which any person is or shall be appointed by Warrant under Our Signet and Sign Manual any further than that you may upon the Vacancy of any such Office or Place or upon the suspension of any such Officer by you as aforesaid put in any such Person to Officiate in the Interval till you shall have represented the Matter unto Us thro' One of Our Principal Secretaries of State which you are to do by the first opportunity and till the said Office or Place is disposed of by Us Our Heirs or Successors under the Great Seal of this Kingdom and until some Person shall be appointed thereunto under Our Signet and Sign Manual or until Our further directions be given therein.

16th. Our Will and Pleasure is that as soon as possible after your Arrival at the said Settlement you shall endeavour to procure as far as the same shall not already have been done the most accurate Information respecting the Lands and every other species of Property belonging to Us at the said Settlement and you shall also make yourself acquainted with the regulations which had been established for their management and disposal by the Dutch East India Company and having taken the whole into your mature and deliberate Consideration you are to transmit to Us thro' one of Our Principal Secretaries of State a full and explicit Report thereupon together with your opinion as to the regulations and restrictions under which it may be proper to grant or lease out the said Lands or Property with a view to the disposal thereof in order that We may furnish you with such Instructions as may appear to Us necessary to that Object. In making your Report on this Subject you will particularly specify (as far as your Information will enable you so to do) whether any of our said Lands

contain Timber fit for the Use of Our Royal Navy whether any are particularly adapted to the growth of Hemp and Flax and also whether any contain Mines of Gold Silver Copper Iron or Lead.

17th. You are to cause a Survey to be made of all the considerable Rivers Landing Places and Harbours within the Limits of the said Settlement in so far as the same shall not have already been done and report to Us thro' one of Our Principal Secretaries of State how far any further Fortifications be necessary for the Security and Advantage of the said Rivers Landing Places and Harbours.

18th. You are to enquire and report to Us thro' one of Our Principal Secretaries of State whether it may be necessary to erect any new Forts or Posts in any interior Part of the Settlement for the protection and Security of Our Subjects against the Caffres and Hottentots or other Savage Tribes or for establishing and carrying on a Commerce with them and you are to use your best Endeavours to conciliate their Affections and to induce them to Trade with our Subjects and in order to prevent any improper Conduct towards the said Natives It is Our further Will and Pleasure that you do report to Us thro' One of Our Principal Secretaries of State the best Accounts you can obtain of the Nature and extent of the Trade that is or may be carried on with them and how the same may in your opinion be extended and improved.

19th. Whereas the establishment of proper regulations in matters of ecclesiastical concern is an object of very great Importance it will be your indispensable duty to take care that no arrangements in regard thereto be made but such as may give full satisfaction in every point in which they have a right to any Indulgence on that head and you are to permit liberty of Conscience and the free exercise of Religious Worship to all Persons who inhabit or frequent the said Settlement provided they shall be contented with a quiet and peaceable enjoyment of the same without giving Offence or Scandal to Government.

20th. It is Our Will and Pleasure that you do take into your consideration and report to one of Our Principal Secretaries of State for Our Information your Opinion with respect to the Steps which it may be advisable to take for erecting and maintaining of Schools in the said Settlement where Youth may be educated in

competent Learning and in knowledge of the Principles of the Christian Religion.

21st. And it is Our further Will and Pleasure that no Person shall be allowed to keep a School in the said Settlement without your Licence first had and obtained in granting which you are to pay the most particular attention to the Morals and proper Qualifications of the Persons applying for the same.

22nd. And it is Our Will and Pleasure that you or in your Absence the Lieutenant Governor or the Person for the time being having the Government shall have the power of collating to Benefices granting Licences for Marriages and Probates of Wills commonly called the Office of Ordinary but it is Our express Will and Pleasure and you are hereby directed and required not to grant Deputations for the exercise of the said Powers to any Person or Persons whatsoever in the said Settlement under your Government.

23rd. And Whereas it is expedient for Our Service that We should from time to time be informed of the State of the Trade and Fisheries as well as of the Population of the said Settlement It is Our Will and Pleasure that you do transmit to Us thro' one of Our Principal Secretaries of State and to Our Committee of Our Privy Council for Trade and Foreign Plantations yearly and every year a full and particular Account of the Nature and extent of the several Fisheries carried on by Our Subjects the state of the Cultivation particularly specifying the quantity of Grain Wine Hemp and Flax produced and of any other important Branch of Trade which may in your opinion be undertaken and advantageously carried on by Our Subjects The Number of Inhabitants distinguishing them under different Heads of Men Women and Children inserting in such Account the Number of Persons born christened and buried and any extraordinary influx to or emigration from the said Settlement specifying at the same time the Number of Slaves and the Number of Our Subjects capable of bearing Arms in the Militia the number and Tonnage of Shipping and Craft employed at the said Settlement together with any other Information on these or any other points of the like Nature which may be proper to be communicated to Us.

24th. And Whereas you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain and the Plantations a Commission constituting you Vice Admiral of the

said Settlement you are required and directed carefully to put in execution the several Powers thereof granted you.

25th. And there having been great Irregularities in the manner of granting Commissions in the Plantations to Private Ships of War you are to govern yourself whenever there shall be occasion according to the Commission and Instructions granted in this Kingdom. But you are not to grant Letters of Marque or Reprisal against any Prince or State in Amity with Us or to any Person whatsoever without Our especial Command and you are to oblige the Commanders of all Ships having private Commissions to wear no other Colours than such as are described in Our Proclamation bearing date 1st of January 1801 declaring what Ensigns or Colours shall be borne at Sea in Merchant Ships belonging to any of Our Subjects of Our United Kingdom of Great Britain and Ireland and the Dominions thereunto belonging.

26th. Whereas Commissions have been granted to several Persons in our respective Plantations in other parts of the World for trying Pirates in those Parts pursuant to the several Acts for the more effectual suppression of Piracy and a Commission will be prepared empowering you as Our Governor and Commander in Chief of the said Settlement with others therein mentioned to proceed accordingly with reference to the said Settlement Our Will and Pleasure is that in all Matters relating to Pirates you govern yourself according to the Intent of the said Acts.

27th. And Whereas it is absolutely necessary that We should be exactly informed of the present state and disposition of the said Settlement with a view to any further Alteration which We may hereafter think proper to make in the Government of the said Settlement as established by these Our Commission and Instructions you are hereby strictly enjoined to make diligent enquiry and to examine such Documents and Communicate with such Persons as may best enable you to transmit to Us thro' one of Our Principal Secretaries of State the Information hereby required and for the better ordering of your Report on this Subject it will be proper that you should arrange the same under the several Heads following viz.

1st. Legislature

2nd. Executive Government

3rd. Courts of Justice

4th. Different Orders of Inhabitants in the said Settlement

5th. Revenue

6th. Commerce

7th. Religion and Religious Establishments

8th. Military

9th. Estates of Absentees and Minors

28th. Whereas it is absolutely necessary that We be exactly informed of the State of defence of the said Settlements as well in relation to the Stores of War as to the Forts and Fortifications that are there and what more may be necessary to be built for the defence and Security of the same you are from time to time to transmit an account thereof in the most particular manner and you are therein to express the State of the Arms Ammunition and other Stores of War belonging to the said Settlement either in any Public Magazine or in the hands of any private Persons together with a State of all Places either already fortified or that you may judge necessary to be fortified for the Security of the Settlement and you are to transmit the said Accounts to Us thro' one of Our Principal Secretaries of State and also Duplicates thereof to Our Master General or Principal Officers of Our Ordnance which Accounts are to express the particulars of Ordnance Carriages Ball Powder and all Sorts of Arms and Ammunition now in the Public Stores and so from time to time of what shall be sent to you or bought with the Public Money and to specify of the disposal and the occasion thereof and other Accounts half yearly in the same manner.

29th. You are hereby particularly authorized and required for the better Security of the said Settlement and for the Maintenance of Good Order within the same to raise such Troops therein and to call out and embody such Companies or Corps of Militia as you shall judge necessary for that purpose and fine or imprison such Persons as refuse to be enrolled and to serve with the same view of maintaining Order and Good Government You are also authorized to disarm such of the Inhabitants of the said Settlement as are not proprietors or are not employed in any Civil or Military Capacity or have not your Licence for keeping their Arms and to remove and send away from the said Settlement such Persons as you shall suspect of adhering to Our Enemies and all such other Persons the Continuance of whose residence you may have reason to imagine might be inconvenient or prejudicial to Peace Good Order and Security of the said Settlement.

30th. Whereas We have been informed that during the time of War Our Enemies have frequently got Intelligence of the State of Our Settlements or Plantations by Letters from private Persons to their Correspondents in Great Britain taken on board Ships coming from such Settlements and Plantations which has been of dangerous Consequence Our Will and Pleasure therefore is that you signify to all Merchants Inhabitants and others that they be very cautious in time of War whenever that shall happen in giving any Accounts by Letter of the Public State and Condition of the said Settlements and you are further to give directions to all Masters of Ships or other Persons to whom you may entrust your Letters that they put such Letters into a Bag with a sufficient weight to sink the same immediately in case of imminent danger from the Enemy and you are also to let the Merchants and Inhabitants know how greatly it is for their Interest that these Letters should not fall into the hands of the Enemy and therefore that they should give the like orders to Masters of Ships with respect to their Letters and you are further to advise all Masters of Ships that they do to all Letters in case of danger in the manner before mentioned.

31st. If anything shall happen which may be of advantage to the Security of the said Settlement which is not herein or by your Commission provided for We do hereby allow you to take order for the present therein giving unto Us thro' one of Our Principal Secretaries of State speedy Notice thereof that you may receive Our Ratification if We shall approve the same provided always that you do not by Colour of any Power or Authority hereby given you commence or declare War without Our Knowledge and particular Commands therein except it be for the purpose of preventing or repelling Hostilities on unavoidable Emergencies.

32nd. And Whereas great prejudice may happen to Our Service and to the Security of the said Settlement by the Absence of You Our Governor in Chief you shall not upon any pretence whatsoever come to Europe without having first obtained Leave for so doing from Us under Our Royal Sign Manual and Signet and by Our Order in Our Privy Council or by Us thro' One of Our Principal Secretaries of State.

33rd. And you are upon all occasions to send to Us thro' One of Our Principal Secretaries of State a particular Account of all your Proceedings and of the Condition of Affairs under your Government.

34th. It is Our express Will and Pleasure that nothing in these Our Instructions or in Our Commission herewith annexed or anything which may be contained in any future Instruction which you may receive from Us whether under Our Royal Sign Manual or by Our Order in Council or thro' One of Our Principal Secretaries of State shall be construed by you or by any other Person to restrain limit or in any respect narrow Our Power to do arrange and determine everything with respect to the said Settlement in the same manner as in Our Royal Wisdom We might have done if the said Commission or these or any future Instructions were not given and had not been acted upon.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to
SIR DAVID BAIRD.*

DOWNING STREET, 11 August 1806.

SIR,—A Letter having been written to me by Order of the Lords of the Treasury acquainting me that Bills to the amount of £3091 had been drawn by Mr. Claase Assistant Commissary and Paymaster in the Ordnance Service at the Cape of Good Hope for the purchase of Artillery Horses, and desiring to know by what Authority these Bills had been drawn, I am to request you will furnish me with the Information required by their Lordships. I am also to request you will explain to me the Grounds of a Transaction stated in your Letter dated the 8th March 1806, which has attracted the attention of His Majesty's Government.

It appears that a considerable Sum of Money belonging to the Dutch Government had been deposited in a Chest for Military Purposes, that this Money had been taken by certain Members of the Dutch Administration, with the Intention of appropriating it to their own use as private Property, but that you had obliged them to refund the same, and that you had paid the amount to the Prize Agent on account of the Captors.

It also appears that there had been Debts to the Amount of Fifty-three thousand Dollars, due by the Dutch Government at the Time of the Surrender of the Cape to different Inhabitants,

principally for Meat, Bread, and Forage supplied to the Batavian Troops, and that you had undertaken to pay the Amount from the *Proceeds of the Colonial Revenue.*

Now it would seem that if the Money refunded, or any Part of it, was due by the Dutch Government to Individuals, particularly for Military Supplies, the plain and obvious Course for you acting for the English Government to have pursued would have been to have paid such Individuals the Amount of their Debts out of the Dutch Public Money in your hands, and then, and only then, to have considered how the Balance was to be appropriated; whether or not the Amount received exceeded the Amount paid you have not furnished me with the Means of judging, but this makes no Difference as to the Principle applicable to the case, the whole Amount received, or any Part of it if due to individuals, was evidently the Property of such Individuals, and not the Property of the Dutch Government, but until your Explanation shall be received His Majesty's Government will suspend their Opinion upon this Transaction. I am &c.

(Signed) W. WINDHAM.

[Original.]

*Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CAPE OF GOOD HOPE, *August* 1806.

SIR,—I have to report to you for His Majesty's information that an American Vessel the *Augusta*, laden with Coffee, Sugar, and some Bale Goods, anchored in Simon's Bay on the 31st May, and as the Burgher Senate stated that the Articles composing the American Cargo were much required for the use of the Settlement, the Master was allowed to land and dispose of the quantities mentioned in his Memorial.

2. During the period His Majesty's Arms had possession of this Settlement last War, permissions to various neutrals to land part of their Cargoes for the Consumption of the Colony only having been repeatedly given, both by Sir James Craig, the Earl of Macartney, and Lieutenant General Francis Dundas, without any disapprobation having been expressed by His Majesty's Govern-

ment from home, I confess I was much astonished at the receipt of the enclosed letter from the acting Naval Officer, enclosing an Extract from an Act of Parliament passed in Charles the Second's reign, whereby it would appear that any Neutral breaking bulk in a British Port is liable to confiscation, and requesting that the American ship might be condemned accordingly.

3. Upon the receipt of this letter I sent for Mr. Hopley the Naval Officer and after thanking him for his intelligence told him that it was impossible for me to permit the seizure of the Vessel on account of an act done by my authority, as such conduct would have the appearance of fraud and treachery on my part.

4. No further steps were therefore taken until His Majesty's Brig the *Protector* commanded by Lieutenant Blaney arrived here from Madras (no man of War having been in harbour at the time the American came in) when Lieutenant Blaney arrested the American and even ordered the proceeds arising from the sale of the goods landed by my permission to be attached in the hands of the Vendue Master, as appears by the Second Memorial from the American Captain.

5. As however it appeared to me the height of injustice to seize the Vessel and property for the commission of any act (even if it should be improper and unlawful) done by my permission and with my authority, I have ordered the Custom house to take no notice of the arrest, the American being at present in Table Bay and the *Protector* in Simon's Bay, and the Honorable Court of Justice of this Settlement have taken off the attachment from the property ashore as appears more fully by their proceedings, an Extract of which I have the honor to enclose.

6. I have not heard since whether Lieutenant Blaney means to take any further steps in the business, but should my conduct not have been strictly according to the Law it appears to me that a specific authority ought to be vested in the Governor of this Settlement to allow occasionally the importation of such Articles from Neutrals as the Colony may require for its own immediate consumption. In respect to my conduct in regard to the American in question I am confident it will meet His Majesty's most gracious approbation. I have &c.

(Signed) D. BAIRD.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas E. Bergh, Esqre., and the Gentlemen Commissioners appointed for that purpose have reported to Me that the whole Sum of Twelve Thousand Rixdollars, Stamped and signed as directed by My Warrant of the 24th of July last, has been exchanged for Pieces to a similar and equal amount of worn out and defaced Money, unfit for Circulation, which are now in the hands of His Majesty's Receiver General.

These are therefore to require and direct that Colonel J. Baird, Commandant of Cape Town, J. Murray, Esqre., Deputy Commissary General, W. S. van Ryneveld, Esqre., His Majesty's Fiscal, together with Two Members of the Court of Justice, and Two Members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the Office of Revenue in the Castle, on Tuesday Morning the 19th of this instant Month, at 10 o'clock, and that they do then and there receive from E. Bergh Esqre. the above mentioned Sum of 12,000 Rixdollars, and after Examining the same, that they do in their presence in the Court Yard of the Castle aforesaid, cause the same to be publicly burnt and destroyed; and in case the Examination of the several pieces of Money, which constitute the above Sum of 12,000 Rixdollars, cannot be concluded in one day, they are then and in that case to adjourn and proceed therein as shall appear best to them, but so as to finish and conclude in the shortest time possible. And it is further directed that the Several Persons above mentioned do sign Two Certificates of their proceedings herein in the English and Dutch Languages, to be drawn up and prepared by Mr. J. Ackerveld, Treasurer of the Lombard Bank (assisted by the sworn Interpreter to the Government) under the direction of the Fiscal, One of which Certificates is to be delivered to E. Bergh Esqre. as his discharge of the Sum of 12,000 Rix-dollars, with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice by the Fiscal and the Members thereto belonging, at the next Meeting, after the Signing as above directed.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within Six days after the lodging

of such Certificate above mentioned, that they do pass a public Act under their Hand and Seal of the Court, certifying and declaring all their proceedings which have been held and have taken place with regard to the Stamping and Signing of the Several Pieces of Money as expressed in My Warrant of the 24th July last, as also of the exchanging and destroying of worn out and defaced Paper Money equivalent thereto, annexing to or including in such their Act Authentic Copies of the several Certificates lodged, as directed in their Records, which public Act is to be presented to Me, to be disposed of in such manner as I may think expedient for the Satisfaction of His Majesty in the premises.

For all which this shall be to all concerned a full and Sufficient Warrant and Authority.

Given under My Hand and Seal, at the Cape of Good Hope, this 15th day of August 1806.

(Signed) D. BAIRD.

[Copy.]

Exchange of Ground for the Estate Newlands.

By His Excellency Lieutenant General SIR DAVID BAIRD, &c.

I do hereby grant, cede and transfer unto William Duckitt, Esqre, according to a Contract entered into with him and executed before Mr. J. B. Hoffman, Public Notary, on the 10th of June last, a piece of 238 Morgen and 125 Square Roods of Land, called *de Witteboemen*, formerly the Head Quarters of the British General Officer commanding in this Settlement, situated in the Cape District, East of the Constantia Hills and at the bottom of the same, extending Northward to the Lands of the Widows Van Helsdingen and Van Reenen, Westward to the Constantia Hill, Southward partly to Constantia and partly to Government Land, and Eastward to the Waste Plain; so as it appears from the above Diagram framed by the Sworn Surveyor, the same, together with the place *de Baas Hermans Kraal*, in exchange for the place called Newlands, which is henceforward to be considered as the Military Head Quarters in this Settlement, with full power and

authority henceforth to possess the said Place *de Witteboomen* in perpetuity, and, whenever he chuses, to dispose of it, with the approbation of Government, subject to all such Duties and Regulations as are either already or shall in future be established respecting such Lands.

Thus done in the Castle of Good Hope the 15th August 1806.

(Signed) D. BAIRD.

[Original.]

Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE WILLIAM WINDHAM.

CAPE TOWN, *August 18th 1806.*

SIR,—I avail myself of a Vessel proceeding to St. Helena to acquaint you that I have had the satisfaction of being informed by General Beresford of his having succeeded in obtaining possession of the Fort and City of Buenos Ayres with a most inconsiderable loss of Men, and in a manner highly creditable to His Majesty's Arms.

By a Transport which I intend to dispatch direct to England in a few days, I shall do myself the honor of detailing to you all the particulars of this interesting event, and the measures I have in consequence adopted, contenting myself with apprising you by this accidental opportunity that I have already dispatched the Detachment of the 20th and a Squadron of the 21st Light Dragoons, with 400 of the 38th Regiment, to the support of General Beresford, and that I intend sending the remainder of the last mentioned Corps, with the 47th Regiment, which I have detained here for that purpose, as soon as the Transports are ready. The 1st Division of General Beresford's reinforcement sailed under the convoy of His Majesty's Ships *Medusa* and *Howe*, and the other will proceed with His Majesty's Ship *Lancaster* in three or four days.

I have &c.

(Signed) D. BAIRD, Lieutenant General.

[Original.]

Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE WILLIAM WINDHAM.

CAPE TOWN, August 20th 1806.

SIR,—I have the Honor to acknowledge the receipt of your letter of the 15th of April last, and to report the safe arrival of the Two Victuallers mentioned therein as being dispatched for the relief of this Colony.

With respect to your observations on the temporary appointments I made to Civil Offices, I must consider myself perfectly justified in that measure, indeed I conceive it was my indispensable duty to make them, as the affairs of this Colony could not otherwise have been conducted with regularity.

I have read, with much surprise, the Copy of the letter from the Transport Board concerning Captain Butterfield. I do not consider it necessary to bestow any remarks upon that letter, but it behoves me to assure you, Sir, that the conduct of Captain Butterfield, notwithstanding any declaration of the Transport Board or others to the contrary, was as much disapproved throughout the greater part of the late Service against the Cape, by the Senior Naval Officer as by myself. In making, however, a representation against that Officer, I had it less in view to exhibit charges for investigation than to point out the expediency of making some arrangements whereby a General Officer entrusted like myself with the command of a body of His Majesty's Land Forces might in future be enabled to enforce, on the part of the Agent of Transports, the execution of such orders as might be necessary for the health of the Troops and the good of the Service, without applying upon every occasion to a Naval Officer for his interference and assistance. I have &c.

(Signed) D. BAIRD.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas there are still several Deserters from His Majesty's Forces wandering about in the remote Districts of this Settlement,

I by Virtue of the Power and Authority vested in Me by His Majesty, do hereby promise His Majesty's free Pardon to all such as shall deliver themselves up either at Cape Town or to any Landdrost or Veld Cornet in the Country, on or before the 15th November next, All Landdrosts, Heemraden, and Veld Cornets being hereby required to receive and forward to Cape Town all Such Deserters, transmitting at the same time a Certificate of the day on which they Surrendered themselves.

Given under My Hand and Seal, this 21st day of August 1806.

(Signed) DAVID BAIRD.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas the Committee appointed by My Warrant of the 9th May 1806 for Examining into all pecuniary Claims against the late Batavian Government, and of which public Notice was given in the *Gazette* of the 13th June 1806, have finished their investigation, and presented to Me a List of all those Persons to whom, after due enquiry, it has appeared that Sums of Money were really due on the 10th January last, stating moreover the precise Sum owing to each Individual by the then existing Government; Now having taken the same into my Consideration, and being confident that it is the Paternal and Benevolent Wish of His Most Gracious Majesty that Individuals should suffer as little as possible by the Calamities of War, I do hereby, by virtue of the Power and Authority vested in me, direct that the said Debts shall be forthwith discharged by the Prize Agents who have claimed and received on the part of the Captors the Credits of the Batavian Government.

And that every Individual may be certain that he receives the Sum fairly due to him, and in order to give greater publicity to this Act (which must be considered by the Inhabitants as a Special Mark of His Majesty's Favor and Protection) I do hereby order that three Several Copies of the Lists of the Claimants, with the Sums severally expressed against their Names, be forthwith made out and signed by the Commissioners, One Copy being to

be lodged in the Records of the Honorable Court of Justice of this Settlement, and where it is to be open to the Inspection of all Persons whatsoever, another in the Colonial Secretary's Office, and the third to be kept by the Prize Agents as their discharge for the amount of the Several Sums.

Given under my Hand and Seal, this 22nd day of August 1806.

(Signed) DAVID BAIRD.

[Copy.]

Advertisement.

His Excellency the Lieutenant General Commanding in Chief has thought proper to direct that the following Dispatch, received from the Right Hon^{ble} William Windham, One of His Majesty's Principal Secretaries of State, as also the Order in Council therein alluded to, and transmitted at the same time, should be made public for general information.

Castle of Good Hope, 23 August 1806.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

Circular.

DOWNING STREET, 6 April 1806.

SIR,—I transmit to you herewith, by the King's Commands, a Copy of an Order issued by His Majesty in Council for laying a General Embargo upon all Prussian Ships and Vessels which may now be within, or may hereafter arrive within, the limits of any of the Ports, Harbours, or Roads of any Settlement, Colony, Island, or Plantation belonging to the Crown of Great Britain and Ireland, And I am to signify to you His Majesty's Pleasure that you are to take care that the said Order be duly carried into Execution within your Command. I have &c.

(Signed) W. WINDHAM.

AT THE COURT OF THE QUEEN'S PALACE,
the 5th April 1806.

Present the King's Most Excellent Majesty in Council.

It is this day Ordered by His Majesty with the Advice of His Privy Council, that the Governor, Lieutenant Governor, or Commander in Chief, or Person acting as such for the time being, of any of the Forts or Settlements belonging to the Crown of Great Britain and Ireland, or of any of His Majesty's Colonies, Islands, and Plantations, where any Ships or Vessels belonging to Prussia may have put in and be found, do immediately cause all such Ships or Vessels belonging to Prussia now within, or which may hereafter arrive within, the limits of the Ports, Harbours, or Roads belonging to such Forts and Settlements, Colonies, Islands, and Plantations, to be detained, together with all Persons and Effects on board the said Ships and Vessels ; but that the utmost care be taken for the preservation of all and every part of the Cargoes on board any of the said Ships and Vessels, so that no damage or embezzlement whatever be sustained. And His Majesty is further pleased to order that the Right Honorable William Windham, One of His Majesty's Principal Secretaries of State, do receive His Majesty's Pleasure for sending Instructions to the Governors, Lieutenant Governors, or Commanders in Chief or Persons acting as such for the time being, of all the said Ports and Settlements, Colonies, Islands, and Plantations, for carrying His Order hereby signified into due Execution.

(Signed) STEP^H COTTRELL.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to the
EARL OF CALEDON.*

DOWNING STREET, 27th August 1806.

MY LORD,—I have the honor to transmit to Your Lordship His Majesty's Commission appointing you Governor and Commander in Chief in and over His Majesty's Settlements at the Cape of Good Hope, together with Instructions under the Royal Sign Manual for your Guidance in that Government. I have &c.

(Signed) W. WINDHAM.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to the
EARL OF CALEDON.*

DOWNING STREET, 27th August 1806.

MY LORD,—His Majesty having been pleased to determine that the Fees and Perquisites which may be received in any Public Offices established or to be established under the Government of the Cape of Good Hope should in no case whatever belong to the Person, or any of the Persons, employed in such Offices by right of Office and without Account; but that all such Fees and Perquisites should be appropriated to the payment of the fixed Appointments of the Persons employed in such Offices as far as they will go for this Purpose; and it being His Majesty's further Pleasure that in the Case of those Fees exceeding, in any particular Office, the Expence of the Establishment of that Office, the Surplus, whatever it may be, shall be appropriated to the discharge of the Expences of such other Offices as may be deficient in this respect; and in case there should be any Surplus in the Whole, then that such Surplus should be paid into the Treasury of the Settlement and be applied in aid of the other Branches of the Public Expences. I am commanded to acquaint Your Lordship with these Dispositions, and beg leave to suggest, as the best Method of carrying them into Execution, that you should direct the whole Amount of all Fees and Perquisites, above described, to be collected Quarterly into one Fund, from which the Amount may be appropriated and accounted for in the manner above mentioned.

Your Lordship's Salary, of Ten Thousand Pounds a Year, is to be paid in Sterling Money from the day of your taking upon you the Administration of the Government.

The Salaries of the Lieutenant Governor, the Secretary and Register and other Officers, who may be appointed to fill the different Offices at the Cape, are also to commence from the day of their taking upon them the Duties of their respective Offices. You are to be allowed two Aids-de-Camp with ten Shillings per Day each, to be paid on the Civil Establishment of the Colony.

In case the Revenue of the Colony should fall short of the Charge of the Civil Establishment, as may be the Case in the

present State of Affairs, the Deficiency must be supplied from Home.

As many serious Inconveniences may arise from the too great or improper Concourse of Foreigners, and particularly of French and Dutch to the Cape, you are to be upon your Guard to prevent the inconvenience, and not to permit any Person who did not belong to the Colony before its Capture, and who was not included in the Capitulation, to establish himself there without the Authority of a Licence signed by the proper Officer in England, except in Instances where you shall see good Cause for granting such Permission. I have &c.

(Signed) W. WINDHAM.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to
LIEUTENANT GOVERNOR GREY.*

DOWNING STREET, 28th August 1806.

SIR,—I am to request that on the arrival at the Cape of Good Hope of Mr. Matthew Gall, the Bearer of this Letter, you will appoint him to the Office of Postmaster, with the same Salary as was annexed to that Appointment when the Cape was before in His Majesty's Possession. I am &c.

(Signed) W. WINDHAM.

[Copy.]

Advertisement.

His Excellency the Lieutenant General Commanding in Chief has directed that the following List of Farmers who have not as yet delivered in their proportions of Barley and Chaff at the Government Stores, as also the Quantity of Forage they are severally to furnish (in obedience to the regulations issued on the 23rd November 1805 by the late Batavian Government) should be made public for general information.

His Excellency has further commanded that the Farmers named in the following List should be reminded that in his Proclamation of the 14th January it was stated that the Regulations of the Batavian Government as above mentioned were to continue in force; and they are now further informed that His Excellency is graciously pleased to extend the period for the delivery of the Forage until the 15th November next, after which Day His Majesty's Fiscal will be directed to put in force the eighth Article of the Batavian Regulations against such Farmers as shall not have delivered their respective quotas: namely to cause to be purchased at the Market price, at the expence of the Farmer, such quantities of Barley or Chaff as, in obedience to the regulations, ought to have been delivered by him at the Forage Magazine.

Castle of Good Hope, 30 August 1806.

By order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Patent Roll.]

Lords of the Admiralty to Appoint a Vice Admiral at the Cape of Good Hope.

George the Third by the Grace of God &c To Our Right Trusty and Wellbeloved Councillor Charles Grey Esquire commonly called Viscount Howick Our Trusty and Wellbeloved Sir Philip Stephens Baronet John Markham Esquire Rear Admiral of the White Squadron of Our fleet Sir Charles Morice Pole Baronet Admiral of the Blue Squadron of Our fleet Sir Harry Barrard Noale Baronet Captain in Our Royal Navy William Russell Esquire commonly called Lord William Russell and Our Right Trusty and Wellbeloved William Lord Kensington of that part of Our United Kingdom called Ireland Our Commissioners for executing the Office of Our High Admiral of Our United Kingdom of Great Britain and Ireland Greeting Whereas the Lords of the Committee of Our Privy Council have humbly reported to Us upon a Memorial from Our Commissioners for executing the Office of Our High Admiral of Our United Kingdom of Great Britain and Ireland Setting forth that We having been pleased to appoint Our Right

Trusty and Right Wellbeloved Cousin Dupré Earl of Caledon to be Captain General and Governor in Chief in and over the Settlement of the Cape of Good Hope they are humbly of Opinion that it would be for the Good of Our Service and the advantage of Our Subjects trading to that Settlement to have a Court of Vice Admiralty settled there but as they are not by the Ordinary Powers vested in them authorized to establish Vice Admiralty Courts in Places newly Conquered the said Commissioners therefore most humbly proposed to Us that they may be empowered to appoint a Vice Admiral Judge or other proper Officers for a Court of Vice Admiralty at the said Settlement of the Cape of Good Hope We having taken the said Report into Our Royal Consideration are Graciously pleased to approve thereof know Ye therefore that we have authorized and empowered and by these presents do authorize and empower You Our said Commissioners for executing the Office of Our High Admiral of Our United Kingdom of Great Britain and Ireland or any three or more of You to constitute and appoint a Vice Admiral and also a Judge and other Officers requisite for a Court of Vice Admiralty within the said Settlement of the Cape of Good Hope in like manner as Vice Admirals Judges and other Officers of State Courts have been constituted by Our High Admiral or the Commissioners for executing the Office of Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being in Places where they have been usually heretofore appointed And Our Will and Pleasure is that in the Commissions which you are hereby authorized and empowered to issue as aforesaid you cause to be inserted All such Clauses as are usual in Commissions of the like Nature and as you shall think fit and necessary for making the said intended Commissions most firm valid and effectual in the Law And Lastly Our Will and Pleasure is that these Our Letters Patent or the Enrolment or Exemplification thereof shall be unto You Our said Commissioners a full and sufficient Warrant and Discharge for your Acting and Doing in the Premises any Omission Imperfection Defect Matter Cause or Thing whatsoever to the contrary thereof in any wise notwithstanding In Witness & Witness &c the first day of September &c.

By Writ of Privy Seal.

Return of the Troops Embarked from the Cape of Good Hope to join the Forces under MAJOR GENERAL BERESFORD on the Rio de la Plata.

Corps.	Lieutenant Colonels.	Majors.	Captains.	Lieutenants.	Ensigns.	Staff.	Quarter-masters.	Sergeants.	Drummers.	Rank and File.	Women.	Children.
Royal Artillery . . . . .	..	..	2	..	..	..	..	..	..	6	..	..
Royal Engineers. . . . .	..	..	..	1	..	..	..	..	..	..	..	..
20th Light Dragoons . . . .	..	1	2	2	4	3	3	18	4	191	8	8
21st Light Dragoons . . . .	..	..	2	3	1	..	1	9	2	140	9	14
38th Foot	1	1	6	7	6	5	..	39	21	811	80	60
54th Foot . . . . .	..	..	1	2	..	..	..	6	2	103	..	..
47th Foot	1	2	7	18	7	6	..	44	14	685	37	34
	2	4	20	33	18	14	4	116	43	1936	134	116

Lieutenant Colonel Brownrigg 11th Foot

Major Trotter 83rd Foot

Major Tucker 72nd Foot

Captain Read R. Staff Corps

Mr. Price Hospital Mate

Mr. Matthews Do.

Mr. Clarke Deputy Purveyor

Embarked, not included above.

Cape Town, September 1, 1806.

(Signed) G. B. TUCKER, D.A.G.

[Original.]

Letter from the EARL OF CALEDON to the RIGHT HONOURABLE WILLIAM WINDHAM.

STRATTON STREET, September 9th 1806.

SIR,—I had last night the honor to receive His Majesty's Commission Appointing me Governor and Commander in Chief in and over His Majesty's Settlements at the Cape of Good Hope together with Instructions under The Royal Sign Manual for my guidance in that Government, likewise His Majesty's determination respect-

ing the appropriation of the Fees and Perquisites which may be received in any publick offices established or to be established under the Government of the Cape of Good Hope. To which several instructions and determination I shall pay due attention.

I have &c.

(Signed) CALEDON.

[Original.]

Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE WILLIAM WINDHAM.

CAPE TOWN, September 9th 1806.

SIR,—On the 18th Ultimo I availed myself of a chance opportunity to announce to you the Surrender of the Fort and City of Buenos Ayres to His Majesty's Arms.

I have now the honor to transmit a Copy of General Beresford's Dispatch, detailing to me the particulars of that interesting event.

The General's communications are so complete and satisfactory that it would be superfluous for me to add to them. I must, however, say I consider his own and the conduct of those under his command as highly meritorious throughout the Service. To a zeal, gallantry, and spirit of enterprise seldom surpassed, a line of moderation and prudence has been added which cannot be sufficiently praised.

The conciliatory measures adopted by the General after gaining possession of the Fort and City have been attended with the happiest effects, and, united with the orderly behaviour of the Troops, have impressed the Inhabitants, from every account which has reached me, with the greatest veneration for our National Character. His policy too in paying a marked attention and respect to the ceremonies and Members of their Church has been equally successful, and perhaps has contributed more than any other circumstance to establish a degree of satisfaction and tranquillity in the City, which a sense of shame with many at being subdued by such an inferiority of numbers might, under a different and less judicious treatment, have interrupted, if not destroyed.

To a Statesman, Sir, of your enlightened mind it must be

altogether needless for me to point out the almost incalculable advantages which must necessarily result to Great Britain from this conquest, considered either in a political or commercial point of view. They are such as must render it a highly acceptable and important acquisition to the Country, and I flatter myself will fully justify to His Majesty the conduct I have pursued, which on this, as on every other public occasion, has been influenced by a pure and ardent desire to exalt, by every means in my power, the honour and dignity of his Crown, and to promote the general welfare and prosperity of his Dominions.

Forcibly impressed with the necessity of immediately reinforcing General Beresford, as well to enable him to retain, in full security, what he has already gained, as to possess himself of Monte Video, the occupation of which is so desirable and essential to his establishing himself on a firm and durable footing, I have had no hesitation in sending him every Man I could spare from this Colony. I have also sent him the 47th Regiment, which happened to be here on its way to India at the time the General's Dispatches reached me.

This last measure, by which I have diverted a Corps from its prescribed destination, I should have been slow to decide upon under circumstances less imperious. Every argument, however, seemed to me to favor its adoption. By our latest accounts from India peace and tranquillity prevail there generally. To withhold, therefore, for a short time 700 Men from the large Force already there cannot be of consequence to the present welfare and security of that extensive Empire, whilst to General Beresford these Troops will prove of the greatest utility, enabling him to finish what he has so successfully begun, and to secure his valuable acquisitions from the effects of either internal commotion or external hostility.

I transmit a Return of the Troops sent to reinforce General Beresford. The 1st Division of them, consisting of a Detachment of the 20th and 21st Dragoons and of 400 Infantry, sailed on the 16th Ultimo, under the protection of His Majesty's Ships *Medusa* and *Howe*; the 2nd, being 150 Infantry, sailed on the 21st with the *Rolla*, armed Brig; and the 3rd, comprising more than 1,000 Infantry, proceeded on the 20th, under the convoy of the *Lancaster* of 64 Guns.

General Beresford having urged the advantage he would derive from Cavalry, I was induced to send him the Detachment of the

20th Light Dragoons, the return of which to England had been ordered; and I also thought it advisable to strengthen it with a Squadron of the 21st, as there is no probability of my being able to mount the whole of that strong Corps immediately.

Altho' I feel it is perfectly unnecessary for me to intrude an opinion as to the number or description of Troops it may be proper to send General Beresford from England, yet I hope to be excused for observing that I conceive a strong and well disciplined Regiment of Dragoons will be highly acceptable and useful to him. I understand he can mount any number of them with the greatest facility and at a very inconsiderable expence.

It affords me pleasure to have to report that the Cape Regiment is now more than complete to its establishment in Rank and File, and might be further augmented, if judged necessary. It is also making every reasonable progress to the attainment of a proper state of discipline and good order. The peculiar character of the Men appears to me to require that a clergyman who has had the opportunity of studying and making himself acquainted with their singular manners, customs, and language should be attached to them on the footing of a Regimental Chaplain upon the old Establishment. The good effects to be experienced from such an arrangement strike me so forcibly that I have determined upon employing a Moravian Missionary from Holland, who has been many years here, in that capacity, until His Majesty's commands upon this subject shall be signified to me. I have &c.

(Signed) D. BAIRD.

[Original.]

*Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CAPE OF GOOD HOPE, September 11 1806.

SIR,—The Departure of a Transport for Europe enables me to transmit to you a Duplicate of my last Dispatch of the 28th July by the East India Packet the *Georgiana* as also to communicate to you such further reports on the affairs of this Settlement as appear to me proper to be reported for His Majesty's consideration.

In consequence of a letter from your Office dated 5th April 1806,

directing Mr. Carey to be permitted to reside here he has been furnished with a passport and informed that until further Instructions he may continue in this Settlement and enjoy the protection of His Majesty's Government. It is my duty however to report that Mr. Carey as well as two or three other Englishmen appear to have taken an oath of allegiance to the Batavian Government in this Colony, but as I do not pretend to determine how far the Oath in question may criminate them I have enclosed a Copy of it together with their several signatures, as also a Copy of the general Oath imposed upon all British Residents and which differs widely from the one taken voluntarily by Mr. Carey. I also enclose Copies of two Memorials presented to me by Mr. Carey, wherein he attempts to exculpate himself from any blame or guilt which might be imputed to him in consequence of the said oath.

I have the honor to forward Copies of the several proclamations which I have judged it necessary to issue since my last Dispatch. The Proclamation relative to the payment of the debts of the late Government is the only one on which it is necessary to make any remarks, having to report to you for His Majesty's information that the Committee appointed to examine into the different claims having finished their investigation these debts are now in a course of payment by the prize Agents and that this measure will, I am confident, have the best possible effects amongst the Inhabitants, tending to confirm in their minds the ideas which I hope they entertain of the Justice and Equity of His Majesty's Government.

I avail myself of this opportunity of again representing to you for His Majesty's Information that the most uninterrupted tranquillity prevails in this Settlement and that the different Vessels from India and America as well as those from home having arrived here with supplies of Rice and Flour we are most plentifully provisioned for a considerable time, having also to add that from the favorable Weather we have experienced and the present appearance of the Crops there is not the slightest apprehension entertained of any future scarcity.

I have the honor to forward copy of a Memorial from the Board of Churchwardens of the Lutheran Congregation of this Settlement, having to request that whenever their Agent may have procured a proper person for the purposes specified in the said Memorial, he may be provided with a pass to proceed to this Settlement.

I had the honor of writing to you on the 11th August reporting the several transactions respecting the American Vessel *Augusta*; I avail myself of the present opportunity to transmit a Duplicate of that Letter together with its several Enclosures as also copy of a protest entered into by Lieutenant Blayney's Agents against the decree of the Court of Justice liberating the Vessel.

Having explained very fully the motives of my own conduct and my opinion of the whole of the transaction in my letter on the subject as before mentioned, I shall not unnecessarily intrude upon your time, contenting myself upon the present occasion with transmitting duplicates of the several papers to be laid before His Majesty.

In obedience to your orders of the 18th March I have caused enquiry to be made relative to the German Johannes Muller and transmit to you two letters I have received respecting him.

Enclosure G is a copy of a letter I have received from Mr. Van Ryneveld respecting the salary he enjoyed under the former British Government, and I have to report to you that I have ordered him the additional Five Hundred Pounds per annum mentioned in his letter until His Majesty's pleasure can be known.

The Receiver General's quarterly account up to the end of June last is forwarded under letter H, and it affords me pleasure to state the expectations I had formed and as stated in my Dispatch of the 26th May were not too sanguine, it being evident that the Revenues of this Settlement, if managed with prudence and proper economy, are more than are required for the common Civil expences, and that a considerable balance applicable to any incidental occurrences will remain at the end of the Year. I have &c.

(Signed) D. BAIRD.

[Copy.]

Advertisement.

His Excellency the Lieutenant General Commanding in Chief has thought proper to direct that, until further orders, no Inhabitant is to be supplied with Gun Powder without producing a Certificate from the Landdrost of his District, stating that he has

not received any during the course of the present year, and that the Powder required is necessary for the protection of his Cattle against the different tribes of Savages.

Castle of Good Hope, 13 September 1806.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Col. Secretary.

[Copy.]

Advertisement.

Notice is hereby given that in consequence of the representations that have been made to His Excellency the Lieutenant General Commanding in Chief, upon the bad state of the Roads in the Country Districts, He has directed the several Landdrosts to be written to, authorizing them to appoint an Overseer of the Roads in each District, who will be empowered to call upon the Inhabitants to furnish a proportion of their Slaves (according to an accurate List to be furnished by the Landdrost and Heemraden) for the repair of the Roads.

Persons neglecting to furnish their Slaves when called upon will be liable to a penalty of Fifty Rixdollars for each Offence, which Sum is to be levied by the Landdrost and Heemraden, and applied to the Fund for the repairing of the Roads.

Castle of Good Hope, 13 September 1806.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Col. Secretary.

[Copy.]

Advertisement.

His Excellency the Lieutenant Governor Commanding in Chief having thought proper to authorize the establishment of a General Post throughout the whole Settlement, with a view to promote a speedy and sure intercourse between Cape Town and

the several Drosties and Bays, not only for the conveyance of the Orders of Government in the remote Districts, but also for the Convenience of the Inhabitants, to whom such an establishment, when complete, can not fail to be of the greatest advantage, has directed that this Plan should be made as public as possible, being confident that when the nature of it is thoroughly understood, and the great benefit the Settlement will derive from its being carried into execution properly explained, the Farmers and other Inhabitants at whose Houses the relay Hottentots are or may be hereafter stationed, will not only consider them as useful Servants to the Public, and treat them accordingly, but will also as far as in their power see that the Mails are properly forwarded, reporting all instances of neglect and delay to the Deputy Postmaster.

Castle of Good Hope, 17 September 1806.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Col. Secretary.

[Original.]

*Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CAPE TOWN, September 21st 1806.

SIR,—I have the Honor to inform you that the British private Ships *Cambridge* and *Caerwent* having arrived here from Rio Janeiro, and the Masters of them, Messrs. Losco Jones and Job Anthony, having made affidavits that several of the Crews were, and had been for some time previous to their arrival here, in a state of Mutiny and Insubordination, I have caused the Mutineers, at the request of the said Masters, to be delivered up to the Civil Power, until, by the arrival of some of His Majesty's Ships, or the Establishment of a Court of Vice Admiralty, they can be disposed of more properly.

I have also to apprise you that I have embarked some French and Spanish Prisoners of War in the *Majestic* Transport, which

is about to proceed for England with Navy and Army Invalids, and by which this letter will be conveyed to you.

I have &c.

(Signed) D. BAIRD.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to
LIEUTENANT GOVERNOR THE HONOURABLE H. G. GREY.*

DOWNING STREET, 22nd September 1806.

DEAR SIR,—I am to request you will cause an Appointment to be made out granting the Office of Civil Paymaster at the Cape of Good Hope to Edmund Byng Esqre. with the same Salary as was attached to that office when the Cape was formerly in His Majesty's Possession. I have &c.

(Signed) W. WINDHAM.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to
SIR DAVID BAIRD.*

DOWNING STREET, 26 September 1806.

SIR,—I have received and laid before the King your Letter dated the 27th May, acknowledging the Receipt of a Despatch from Lord Castlereagh, in which His Majesty's Commands were conveyed to you to detach a Part of the Force at the Cape of Good Hope to India; and stating that the Tranquillity which reigned in that Country had rendered it unnecessary that you should obey those commands.

I have also received and laid before the King your Letter dated 3rd June, in which you state that enough of additional Evidence had been obtained to remove every Doubt of the Condemnation of the Brig *Fortuna*, which it seems had been seized by your Orders.

It is to be presumed His Majesty's Ministers are not to understand from this Paragraph that you had taken upon you to decide a Prize Cause, and at the same time to award the Appropriation of Prize Property, the former Proprietor of which might reasonably expect a more formal Process. . . .

Your Letter also states that the Burgher Senate having represented to you that it would be injurious to the Interests of the Colony if the Money produced by Prize Goods should be kept locked up from circulation until Orders for the Disposal of it should arrive from England, you had directed a Distribution to be made of the Proceeds of those Goods, which you hoped would be approved of.

It appears to His Majesty's Ministers to be somewhat singular that you should have acted thus promptly upon this opinion of the Burgher Senate, and still more so that you have expected the Proceeding adopted by you in consequence to be approved of; the Burgher Senate could hardly be considered as perfectly disinterested in the opinion which they gave, though it was one which left them free from the Serious Responsibility attending the adoption of it.

If the Settlement suffered by withholding from Circulation the Proceeds of the Prize Sales, the Mischief might have been prevented either by postponing those Sales until the Appropriation of the expected Produce should have been sanctioned, or by paying the Proceeds of the Sales into the Hands of the Paymaster of the Troops, and transmitting Bills for the Amount to the Agent for the Captors, subjecting the Appropriation at the same time to the final Adjudication of a competent Court.

The Articles sold were not understood to have been of a perishable Nature, and their Value amounting, as it is said, to a Sum not less than three Hundred thousand Pounds, was a strong Presumption, especially when coupled with the known Practice in the Dutch Settlements, that they were not all Public Property, the Parts that were private, if any such there were, you could have no Right to dispose of at all, and it was of consequence wholly unfitting that a Proceeding should be adopted, which, without Necessity and without affording to the Parties, if such there were, an opportunity of being heard, should decide the Question in the first Instance, leaving Government liable to be called upon for future Compensation, should it appear at any time hereafter that

Part of the Goods thus distributed and disposed of was the Property of Individuals; at all Events, and whether the Property were private or Public, the Right of condemning it was not vested in you, but required to be reserved till a regular legal Tribunal, competent to the Decision of such Causes, should award it as Booty to the Captors.

The obvious Course for you to have pursued would have been to have transmitted to His Majesty's Government a detailed Return or Inventory of the Goods, Merchandise, and other public Property found in the public Stores or elsewhere, with an Estimate of their Value, or at least a detailed Return of the Articles sold, as well as of their Produce, it would then have remained with those vested with Legal Powers for such Purposes to determine what time should in justice be given to Persons claiming any Part of such Proceeds as their private Property to assert their Claims; and His Majesty's well known Disposition to promote the Interests of his Navy and Army might have been trusted to for giving every Facility to the Steps necessary to realizing any Expectation in respect to Booty which the Army under your Command could reasonably have formed. As the matter stands, and after the course which has been pursued, His Majesty's Government has now only to direct, and I am accordingly to desire that a full and detailed Inventory and Account may be transmitted to me, for His Majesty's Information, of all Property which has been seized by your Authority, whether afloat or ashore, specifying what has been sold, and the Amount which the Sales have produced.

Together with the Letters abovementioned, your Letter dated the 29th March has been received, enclosing a Valuation, made by a Board of Officers appointed by you for the Purpose, of Ordnance, Ammunition, and Ordnance Stores captured at the Cape, and amounting by that Valuation to £120,877 15 1.

I have only further to observe that this Letter is written on the Supposition of a Possibility that it may reach you before Lord Caledon, or General Grey, shall arrive at the Cape of Good Hope. I am &c.

(Signed) W. WINDHAM.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas, notwithstanding the liberal Supplies I have given to the Town Treasury to forward the repairs of the Grand Parade and to defray the expence of planting Trees around it, as also for the construction of the new Fountain and other objects connected with the embellishment of the Town, the President and Members of the Burgher Senate have represented to me by their Letter of the 23rd Ultimo, that the funds under their management are not sufficient to carry on the necessary repairs of the Streets and Roads committed to their charge, and have requested my permission to raise the tax levied on the Inhabitants for the repair of the Streets by an addition of one half to the Sum which each Individual at present pays.

And whereas by a Proclamation issued on the 5th of March 1798 by His Excellency the Earl of Macartney, the Burgher Senate were authorized to call for the additional Sum from each Inhabitant for the necessary repairs of the said Streets and Roads, and which tax in consequence of the then flourishing state of the Burgher Senate's Treasury, was suspended by the Governor and Council on the 30th May 1804, but with injunction to the Burgher Senate to renew the same on the 1st January 1806, should their funds require this assistance ; Now having taken the above Circumstances into my Consideration, I have thought proper to agree to the request of the Burgher Senate, and by virtue of the Power and Authority vested in me by His Majesty, I do hereby empower the President and Members of the Burgher Senate to levy this additional Tax in the same manner as formerly, leaving the details of the operation to their arrangement.

Given under my Hand and Seal at the Cape of Good Hope, this 2nd day of October 1806.

(Signed) D. BAIRD.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas His Majesty's Receiver General, by his Letter of the 2nd instant, has represented to me that he has Fifteen Thousand

Rixdollars of worn out and defaced paper money, collected from the Several Branches of Revenue in his hands unfit for circulation, and Whereas the Landdrost of Uitenhagen has transmitted Seven Hundred and Nine Rixdollars, brought to him by the Farmers in that District of the old Paper Currency formerly in circulation in this Settlement, which he has represented to me that either through ignorance or for want of opportunity they have omitted to exchange in obedience to the Proclamation issued by the Batavian Government on the 24th August 1804, within the Period specified in the said Proclamation; and Whereas Memorials from one or two Individuals have been laid before me on the same subject, and who having assigned satisfactory reasons for their having also omitted to exchange the different Sums of the old Paper Currency which they at present possess, amounting to Five Hundred and Eighty-Six Rixdollars, These are therefore to require and direct that the Secretary of the Court of Justice do, on Monday the 6th instant attend at the Castle, where, on application to the Acting Colonial Secretary (in whose custody they are) he will receive the Stamp and Types, together with the Quantity of Paper necessary for the purpose; and that he do in the presence of the Fiscal and Two Members of the Court of Justice, who are hereby required to attend at the time aforesaid, at the usual place, and in the usual manner, cause the number of One Thousand Pieces of Ten Rix-dollars and Twelve Hundred and Fifty Nine Pieces of Five Rix-dollars each to be printed and stamped, which Pieces when so printed and stamped, are to be delivered by the Fiscal and Members of the Court of Justice aforesaid to the Acting Colonial Secretary, to whom they are also at the same time to return the Types and Stamp; which Types and Stamp being replaced in the Box in which they are usually kept, the Box shall be sealed with my Seal and with that of the Court of Justice, so to remain until further wanted; of all which the Fiscal and Members of the Court of Justice are to make a public Act of Certification in the presence of the Court, on the next Court day, to be registered in the Records of the Court.

And it is further directed that such printed and stamped pieces, being by the Acting Colonial Secretary delivered to the custody of Mr. J. Ackerveld, Treasurer to the Loan Bank, it shall be his business to prepare the same, by marking the number of each piece on the top of the card (continuing the numbers of the last

issue) of each Separate denomination of Money, as also the day of the date of this Warrant underneath, after which the whole of the Pieces shall be signed by L. C. H. Strubberg, Esqre., Second Member of the Court of Justice, A. J. van Breda, Esqre., Second Member of the Orphan Chamber, and A. V. Bergh, Esqre., Second Member of the Lombard Bank.

And it is also further directed that such Money so printed, stamped, and signed, do remain in the Custody of His Majesty's Receiver General until Report being made of its being finished, when such further orders shall be given for the Exchange thereof as may be expedient, and for these several matters herein mentioned this, the Original of which is lodged in the Records of the Court of Justice, shall be to all concerned a full and sufficient Warrant; and for the public information and satisfaction it is further directed that it be published and affixed in the manner usual with all other Proclamations.

Given under my Hand and Seal at the Cape of Good Hope, this 3rd day of October 1806.

(Signed) D. BAIRD.

[Copy.]

Advertisement.

His Excellency the Lieutenant General Commanding in Chief has thought proper to direct that the Gun Powder issued to the Farmers is in future to be paid for at the rate of Six Skellings per pound, the Commanding Officer of the Artillery having represented that the price at present charged does not even repay the Board of Ordnance the original expence.

Castle of Good Hope, 10th October 1806.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Col. Secretary.

[Copy.]

Advertisement.

His Excellency the Lieutenant General Commanding in Chief has thought proper to direct William Stephen van Ryneveld, Esqre., His Majesty's Fiscal, and J. J. Vos, Esqre., President of the Burgher Senate, assisted by Two Members of the Burgher Senate in the Cape District, and by the respective Landdrosts and two of the Heemraden in each of the Districts of Stellenbosch and Tulbagh, to assess the several Farmers such quantities of Barley and Chaff as it will be necessary for them to deliver at the Commissary General's Magazines, to complete the quantity required for His Majesty's Service for the ensuing Year.

All Veld Cornets, Inhabitants, Farmers, and others whom it may concern, are hereby directed to pay every attention to the Instructions they may receive from the abovementioned Gentlemen, whose report and rate of assessment, as soon as it is completed, will be inserted in the Government Paper, in order that no person may plead ignorance of the quantity of Forage he is to deliver. The Barley and Chaff will be paid for by the Commissary General at a fair and liberal rate. The price allowed for each muid of Barley and Sack of Chaff will be published hereafter. Such Farmers as have no Barley may furnish Oats, which will be received at the rate of five skeepels or bushels of the latter in lieu of four of the former.

Castle of Good Hope, 15 October 1806.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Col. Secretary.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas E. Bergh, Esqre., and the Gentlemen Commissioners appointed for that purpose, have reported to me that the whole sum of 16,295 Rixdollars, printed, stamped, and signed as directed by my Warrant of the 3rd instant, has been exchanged for Pieces

to a similar and equal amount of worn out and defaced money (and also of such old Paper Currency as is specified in my aforesaid Warrant) unfit for Circulation, which are now in the hands of His Majesty's Receiver.

These are therefore to require and direct that Colonel J. Baird, Commandant of Cape Town, J. Murray, Esqre., Deputy Commissary General, W. S. van Ryneveld, Esqre., His Majesty's Fiscal, together with Two Members of the Court of Justice, and Two Members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the Office of Revenue in the Castle on Tuesday Morning the 21st of this instant Month, at 10 o'clock, and that they do then and there receive from E. Bergh, Esqre., the above mentioned sum of 16,295 Rixdollars, and after examining the same, that they do in their presence in the Court Yard of the Castle aforesaid, cause the same to be publicly burnt and destroyed; and in case the examination of the several pieces of Money which constitute the above Sum of 16,295 Rixdollars cannot be concluded in one day, they are then and in that case to adjourn and proceed therein as shall appear best to them, but so as to finish and conclude in the shortest time possible. And it is further directed that the several Persons above mentioned do sign two Certificates of their proceedings herein in the English and Dutch Languages, to be drawn up and prepared by Mr. J. Ackerveld, Treasurer of the Lombard Bank (assisted by the Sworn Interpreter to the Government) under the direction of the Fiscal, one of which Certificates is to be delivered to E. Bergh, Esqre., as his discharge of the Sum of 16,295 Rixdollars with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice by the Fiscal and Members thereto belonging at the next meeting after the signing as above directed.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within six days after the lodging of such Certificate above mentioned, that they do pass a public Act under their Hand and Seal of the Court, certifying and declaring all their proceedings which have been held and have taken place with regard to the Stamping and Signing of the several Pieces of Money as expressed in my Warrant of the 3rd instant, as also of the exchanging and destroying of worn out and defaced Paper Money equivalent thereto, annexing to or including in such

their Act authentic Copies of the several Certificates lodged, as directed in their Records, which public Act is to be presented to me, to be disposed of in such manner as I may think expedient for the Satisfaction of His Majesty in the premises.

For all which this shall be to all concerned a full and sufficient Warrant and Authority.

Given under my Hand and Seal at the Cape of Good Hope, this 17th day of October 1806.

(Signed) D. BAIRD.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas it has been represented to me that the importation of a few Negro Slaves would be highly advantageous to the Settlement, and Whereas applications have been made to allow the Slaves from on board the Portuguese Ship *Dido* to be landed and disposed of, and which Vessel from her want of repairs must at any rate be detained here for a considerable time,—Now being anxious to give every encouragement to the Inhabitants, and to contribute by every means in my power to their Welfare, I have thought proper to allow the Slaves from on board the Portuguese Ship *Dido* to be landed; and in order that each Inhabitant may have an opportunity of furnishing himself with the Slave or Slaves he may require, and at the same time to prevent any fraudulent or illicit transaction, I have permitted the said Slaves to be disposed of, only on condition that they are to be sold at a public Sale, the Master and Owner of the Portuguese Ship having entered into a bond to forfeit One Thousand Rixdollars for every Slave not disposed of by public Auction to the highest bidder.

Given under my Hand and Seal, at the Cape of Good Hope, this 30th day of October 1806.

(Signed) D. BAIRD.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas it has been reported to me that considerable quantities of Spanish Dollars have been lately smuggled out of this Settlement, notwithstanding the strict regulations already issued on the Subject; now being determined to enforce due obedience to the Laws, and having taken into consideration that if the further exportation of Specie is not carefully guarded against, His Majesty's Service, as well as the Colony in general, will be exposed to great inconvenience, I do hereby (by virtue of the power and authority vested in me by His Majesty) order and direct that the following additional Rules and Regulations shall henceforth be punctually observed, it being my intention to punish any deviation from the same with the utmost rigour.

1. No Boat or Vessel other than those belonging to His Majesty, and when employed in his Service, shall attempt to land and ship Goods, Wares, or Merchandise at any other place than the Wharf, all other Boats whatsoever, whether employed shipping, transshipping, or bringing Goods on shore, must be provided with a Permit from the Custom House, which permit is to particularize the number and nature of the Goods, Wares, or Packages on board. Persons failing to comply with any part of the above Regulation will be liable to a penalty of Fifty Rixdollars for each transgression.

2. Boats detected either carrying off Specie, landing from, or shipping on board any Vessels in the Harbours of this Colony, or transshipping contraband Articles, will together with the Slave or Slaves employed in navigating them, be confiscated, and if the said Boat should be worked by free people, they will be liable to be imprisoned for Twelve Months. The Owners of the Specie or of the Contraband Articles will be fined three times the amount of the Specie or of the Goods attempted to be smuggled in or out of the Settlement.

3. During the Season of the Year that the Ships are in Table Bay, all Boats belonging to the Shore are to be fastened and secured with a Chain during the night. When Simon's Bay is open, this Regulation is to be extended to Simon's Bay. The

Owners of Boats will be fined Twenty Rixdollars for each boat not properly secured, and those Boats that have not their Numbers painted on their Sterns, according to the established Regulations, will be liable to be confiscated.

4. All penalties, forfeitures, and fines levied on account of any breach of the above Regulations, to be divided into three parts, One Third for the Colonial Treasury, One Third for the Fiscal, and One Third to be given to the Custom House Officer or Informer; and if any of the Guards shall detect any attempt to export Specie, they will receive One third of the amount of the sum.

5. The Captain of the Port and Harbour Master, as well as His Majesty's Fiscal and the Collector and Comptroller of the Customs, as also all Officers Civil and Military, are hereby strictly enjoined to give every assistance in carrying the above Regulations into effect.

Given under my Hand and Seal, this 30th day of October 1806.

(Signed) D. BAIRD.

[Original.]

Letter from MR. W. H. HARTLEY to the RIGHT HONOURABLE WILLIAM WINDHAM.

GREAT RUSSELL STREET, BLOOMSBURY, 30th October 1806.

SIR,—Having the honour to be appointed Judge of the Court of Admiralty at the Cape of Good Hope, and there being no possibility, as I collect after the most exact inquiry, of my obtaining a Passage earlier than the middle of next January, unless by the Ship *Etingdon* carrying Government Stores thither, and being informed at the Transport Office that I must first obtain an Order from your Department before I can receive from them the necessary facility to that effect, I have to request the great favour of you, Sir, to give the proper orders for the above permission. I have &c.

(Signed) WINCHCOMBE H. HARTLEY.

[Original.]

*Letter from REAR ADMIRAL GEORGE MURRAY to
WILLIAM MARSDEN, ESQR.*

Polyphemus, Spithead 7th November 1806.

SIR,—I have to acknowledge the receipt of Their Lordships, orders to take His Majesty's Ships and Vessels named in the Margin—*Polyphemus, Afria, Camel, Dispatch, Olympie, Flying Fish*—under my command. I have &c.

(Signed) GEO. MURRAY.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas William Stephen van Ryneveld, Esqre., His Majesty's Fiscal, and J. J. Vos, Esqre., President of the Burgher Senate, assisted by Two Members of the said Senate and the Landdrosts and two of the Heemraden of each of the Country Districts, have, in obedience to my orders as published in the Government Advertisement of the 15th Ultimo, assessed the different Farmers such proportions of Barley and Chaff as it will be necessary for them to furnish for the Supply of His Majesty's Cavalry during the ensuing Year, I do hereby think proper to certify my approbation of the aforesaid assessment, and further to direct that the Farmers are to deliver at the Commissary General's Stores in Cape Town, as soon as possible after the reaping of the new Harvest, the several quotas of Barley and Chaff as expressed against their Names, in the following List.

If any Farmer shall not have delivered his proportion of Forage on or before a day to be hereafter specified, His Majesty's Fiscal will be instructed to cause an equal quantity to be purchased at whatever the Market Price may be, at the expence of the Farmer, and to be delivered into His Majesty's Magazines.

The Inhabitants dwelling in the neighbourhood of Saldanha bay may deliver their quotas to the Resident, Mr. Hendler, who will be directed to give receipts for the same; and such Farmers as may not be able to furnish the whole proportion of their assessment

in Barley and Chaff will be at liberty to deliver Oats and Oaten Straw, provided five muids of the former are given in lieu of four of Barley, and the Oaten Straw according to its relative value compared with Chaff.

And Whereas the Grain Committee, whose opinion I thought proper to ask as to the price that ought to be given for the Forage required for His Majesty's service, have reported to me that the sum of Twenty Two Skellings for a Muid of Barley, or a Muid and a quarter of Oats, and Two Rixdollars for each Sack of Chaff or Oat Straw if delivered in the Government Sacks, or Two Rixdollars and one Skelling if delivered in the Farmers' own Sacks, appears to them a fair and equitable price, I do hereby direct that the above sums are to be paid by the Commissary General for the Forage he will receive during the ensuing Year.

Given under my Hand and Seal, at the Cape of Good Hope this 7th day of November 1806.

(Signed) D. BAIRD.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to
MAJOR GENERAL THE HONOURABLE H. G. GREY.*

DOWNING STREET, 10th November 1806.

SIR,—A Battalion of Native Infantry having been formed for the Service of the Cape of Good Hope, consisting of Five hundred Men, I am to acquaint you that Arms and Accoutrements for this Corps have been directed to be provided and will be forwarded to the Settlement, consigned to you, by the first safe opportunity.

The Agent for the Cape of Good Hope Government has received my Instructions to provide the Materials for the Clothing of the Regiment, and they will be sent as soon as possible.

I have also directed the Agent of the Government to discharge the Claims of such of the Officers of the Cape Regiment as may have been appointed in this Country, and to forward to the Secretary at the Settlement a particular Statement of all the Advances he may make from time to time on account of the said Corps, in order that the Advance of Pay may be deducted from the Pay due to the Officers abovementioned, and that the whole of the

Charges may be carried to the Account between the Government of the Cape of Good Hope and His Majesty's Treasury. I have &c.

(Signed) W. WINDHAM.

[Original.]

Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE WILLIAM WINDHAM.

CAPE OF GOOD HOPE, November 11, 1806.

SIR,—Enclosed you will receive a List of several Gentlemen and others in the Civil and Military Service of the Batavian Government and who from some of them having been up the Country at the time the former Cartels sailed for Europe and from other accidental circumstances, it was not in my power to send to Holland before the present opportunity. They are embarked on board the *William* Transport fitted up as a Cartel for the occasion.

I have, &c.

(Signed) D. BAIRD.

[Enclosure in the above.]

List of the several persons in the Civil and Military Service of the Batavian Government embarked on board the William Cartel, Cape of Good Hope, 11th November 1806.

R. A. de Salis, Esqre., his Wife and family, late Member of Council at the Cape of Good Hope.

Major G. C. Kuchler, Batavian Artillery.

Captain L. Alberti, Waldeck Light Infantry.

Lieutenant J. F. Pommerenke, Batavian Artillery.

Lieutenant E. Döring, Hottentot Regiment.

Surgeon F. Winter.

Mr. S. J. Eckhardt, Commissary of the Military Magazines.

Mr. P. de Haan, late Captain of the *Jupiter* Guard Ship.

Mr. D'Ozy, under Secretary to the Government, with his Family.

J. Drewes, belonging to the Batavian Whale fishing Society.

Six Servants, three of them Soldiers of the Waldeck Regiment.

(Signed) D. BAIRD.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas the quantity of Grain and Flour already imported, together with the very promising appearance of the New Harvest, render not only the Restrictions and Regulations recommended by the Grain Committee, but also the establishment of the said Grain Committee itself no longer necessary, I do hereby direct that the functions of the said committee, as also the different Regulations at present in force respecting the purchase and sale of Wheat, Flour, and Bread shall cease on the 15th of next Month, from which day the Farmers, Inhabitants, and others shall be at liberty to dispose of their Grain and Flour as they may think proper, and enjoy all the advantages of a free and open Market.

And Whereas a fund amounting to 90,000 Rixdollars was placed under the Management of the Grain Committee, in order that they might be enabled to procure Grain in sufficient quantities, not only for the Consumption of the Inhabitants of Cape Town, but also for His Majesty's Forces, it is my further direction that their accounts are to be finally closed on the 15th December next, on which day they are to return to the different public Departments the several proportions advanced by them, in order to form the fund of Ninety Thousand Rixdollars for the purpose as aforesaid.

And Whereas it has been represented to me that if the Farmers were assured that the price of Wheat would never fall below Forty Rixdollars per Waggonload of Ten Muids, they would be induced to Cultivate Grain in such quantities as would perhaps preclude the possibility of any future Scarcity, and prevent the necessity of my having again recourse to foreign Markets for a Supply of Flour, as well for the use of His Majesty's Forces in the Settlement as for the Inhabitants, Now being desirous to give every encouragement to the Inhabitants of the Colony, and anxious for its improvement, I have determined to establish a Colonial Granary, the Storekeeper of which will be instructed to purchase all the Wheat that may be offered to him the Growth of this Colony, at the rate of Forty Rixdollars per Waggonload of Ten Muids. The Farmers consequently will be certain of receiving at least Forty Rixdollars for a Waggonload of Wheat, as whenever

they cannot get more in the Market, they can always receive that price at the Granary. And it will be further in my power, should at any future period the price of Wheat, owing to a failure of the Harvest or any extraordinary or unforeseen Consumption, become exorbitant, to lower the price of Bread to the Inhabitants, by directing a certain quantity of Wheat to be disposed of from the Colonial Granary at such a reasonable rate as the circumstances of the moment may seem to me to require.

And Whereas a Considerable Sum of Money will be required not only to defray the purchase of the Wheat to be received in the Colonial Granary, but also for the hire of Store houses and other incidental expences connected with the establishment of a Granary, I do hereby order and direct that the Sum of Eighty Thousand Rixdollars shall be stamped and signed, and which money being stamped and signed in the mode and manner as hereafter detailed, shall be delivered to the Receiver General to be by him taken in charge, and issued for the purposes of the Colonial Granary to the Storekeeper in such distinct quantities or sums as shall be pointed out to him by Warrants signed by the Commissioners whom I shall appoint to superintend the Management of the Colonial Granary.

And Whereas it is evident that from the difference between the price of Wheat whenever issues will be made, and the sum of Forty Rixdollars per Waggonload, the rate at which the same will be received in the Colonial Granary, a considerable profit will arise, it is my order that the Storekeeper is to submit his Accounts Monthly to the Superintending Commissioners, by whom they are to be laid before me, and the amount of the said profit at the end of each Six Months, after deducting the necessary expences, will be then destroyed publicly in the Castle Yard, and which operation is to be repeated each succeeding half year, until the whole sum of the Eighty Thousand Rixdollars, to be stamped and signed upon this occasion, shall have been destroyed. And I do hereby appoint Colonel J. Baird, Commandant of Cape Town, W. S. van Ryneveld, Esqre., His Majesty's Fiscal, and J. J. Vos, Esqre., President of the Burgher Senate, to be Superintending Commissioners, and Mr. E. B. Ziervogel to be Storekeeper to the Colonial Granary.

And Whereas the stamping and signing of such a considerable sum as Eighty Thousand Rixdollars will require some time, I do

hereby direct, in order that the same may be prepared without delay, that the Secretary of the Court of Justice do, accompanied by the Fiscal and Two Members of the said Court, on Tuesday next the 18th instant attend at the Colonial Secretary's Office, where, in the presence of the aforesaid Gentlemen, he will receive from the Acting Colonial Secretary, in whose Custody they are, the Types and Stamp used in the printing and stamping of the Paper Money, together with the quantity of Paper necessary for the purpose, and that he do likewise in the presence of the said Gentlemen, at the usual place and in the usual manner, cause the number of Four Hundred Pieces of One Hundred Rixdollars and Eight Hundred Pieces of Fifty Rixdollars each to be printed and stamped, which pieces when so printed and stamped are to be delivered by the Fiscal and Members of the Court of Justice aforesaid to the Acting Colonial Secretary, to whom they are also at the same time to return the Types and Stamp, which Types and Stamp, being replaced in the Box in which they are usually kept, the Box shall be sealed with my Seal and with that of the Court of Justice, so to remain until further wanted, of all which the Fiscal and Members of the Court of Justice are to make a public Act of Certification in the presence of the Court, on the next Court day, to be registered in the Records of the Court.

And it is further directed that such printed and stamped pieces, being by the Acting Colonial Secretary delivered to the Custody of Mr. Ackerveld, Treasurer to the Loan Bank, it shall be his business to prepare the same by marking the number of each piece on the top of the card (continuing the number of the last issue) of each separate denomination of Money, as also the date of this Warrant underneath, after which the whole of the pieces shall be signed by C. Matthiessen, Esqre., Senior Member of the Court of Justice, A. V. Bergh, Esqre., Senior Member of the Orphan Chamber, and A. G. van Kervel, Esqre., Senior Member of the Lombard Bank.

And it is also directed that such Money, so printed, stamped, and signed, do remain in the Custody of His Majesty's Receiver General until my further Orders as to the issue of the same for the above specified purposes, and for these several matters here mentioned, this, the Original of which is lodged in the Records of the Court of Justice, shall be to all concerned a full and sufficient Warrant; and for the public information and satisfaction it is

further directed that it be published and affixed in the manner usual with all other Proclamations.

Given under my Hand and Seal, this 15th day of November 1806.

(Signed) D. BAIRD.

[Original.]

Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE WILLIAM WINDHAM.

CAPE OF GOOD HOPE, November 16, 1806.

SIR,—I have to inform you that twenty-five Aams of the Constantia Wine I had the honor to mention to you in my Dispatch of the 5th May last have been shipped on board the Transports *Britannia* and *Simpson* having been by my orders consigned to you by the Deputy Commissary General, having further to state that the remainder of the Wine will be sent home by the first favorable opportunity. I have &c.

(Signed) D. BAIRD.

[Original.]

Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE WILLIAM WINDHAM.

CAPE OF GOOD HOPE, November 19, 1806.

SIR,—Since my dispatch of the 11th September by the *Mercator* Transport, a duplicate of which was also transmitted by the East India Packet the *Charger*, I have had no opportunity of reporting to you respecting the public affairs of this Colony. I have indeed hardly to regret this circumstance, no occurrence having taken place with the relation of which it would have been necessary to trouble you for His Majesty's information; having only to communicate the continuance of the most profound tranquillity in this Settlement, the Inhabitants of which I have every reason to

believe are perfectly contented, happy and anxious to remain under His Majesty's Government.

I have the honor to enclose Copies of different proclamations containing such orders and regulations as I have felt it incumbent upon me, from the circumstances of the moment, to issue on the several subjects therein mentioned. A No. 4 contains my permission to the Burgher Senate to double the assessment upon the Inhabitants for the repair of the Streets and Roads as also the reason which induced me to comply with their request. A No. 10 directs some new regulations to be observed with respect to landing, shipping and transhipping Goods, drawn up and issued with a view to prevent smuggling and the exportation of Spanish Dollars from the Settlement, which last circumstance, if not guarded against, would expose His Majesty's service to considerable inconvenience, as it would very soon be difficult for the paymaster General to procure Spanish Dollars in sufficient numbers for the payment of the Army. I am in hopes that these regulations without oppressing the fair Trader will have the desired effect and prove of considerable advantage to the Colonial Revenue.

The only proclamation which I have issued and to which perhaps it may be necessary to call your attention is enclosed under A No. 13 and contains my directions for the establishment of a Colonial Granary and an order for the fabrication of Eighty thousand Rixdollars of paper money to defray the necessary expences that will be incurred on this occasion. The quantity of Grain and Flour imported since His Majesty's Forces have been in possession of this Settlement together with the very promising appearance of the new harvest render it more than probable that if the price of Wheat was allowed to find its level, the Farmers would be compelled to dispose of their Grain at such a low rate as would perhaps discourage them from sowing a sufficient quantity the succeeding Year. With a view therefore to encourage the cultivation of Wheat to the utmost extent of which this Colony is susceptible and to prevent His Majesty's Service as also the Inhabitants being again exposed to the inconvenience of a scarcity, I have deemed it adviseable to establish a Colonial Granary, where all Wheat, the growth of this Settlement, will be received at a certain price stated in the proclamation. As the market is moreover left perfectly free and open, the Farmer will have the advantage of offering his Grain for sale to the highest bidder and will be

certain, at any rate, of receiving at the Colonial Granary, if he can not get a better price in the Market, the sum of Forty Rixdollars per Waggon load, the rate at which Wheat will be paid for at the Granary. This Establishment of course must prevent the price of Wheat falling below the sum given at the Public Granary and it will also on the other hand enable me to keep the price of bread at a fair and moderate rate; as whenever the Wheat from any unforeseen consumption, a failure in the Crops or any other accident is sold at what may be deemed too high or exorbitant a rate, the opening of the Colonial Granary and disposing of a certain quantity of Wheat at a moderate rate cannot fail to lower the price of bread.

The Eighty Thousand Rixdollars which I have directed to be fabricated for the above purpose are to be deposited in the Custody of the Receiver General and such proportions issued only by degrees as may be required for the payment of the Wheat brought to the Magazine. The Wheat itself consequently will be a security for the paper money, which can be looked upon in no other light than as a promissory note. And as it is evident that a considerable profit will arise to the Colonial Granary from the difference between the proceeds arising from the Sale of the Wheat and the rate at which it will be received in the Granary, I have directed the amount to be destroyed successively each half year until the whole amount of the Eighty Thousand Rixdollars issued upon the occasion should have been destroyed. The profit afterwards arising from the Establishment may be either carried to the Colonial Revenue or employed in any manner His Majesty shall think proper to direct.

I beg leave to refer you to the proclamation itself for such further details respecting this measure as you may require; hoping that the Establishment will meet with His Majesty's approbation,—having only to add, upon the subject, that it is clearly understood that His Majesty's Government, in the event of our evacuating this Settlement, can never be considered as answerable for the Eighty thousand Rixdollars fabricated entirely for a Colonial purpose; and should it be deemed adviseable, at any future period, to do away the Colonial Granary, there must, from the nature of the Establishment, be always in the hands of the Storekeeper either the amount or the value of the fund created for the purpose.

Enclosure B is the quarterly account of the Receiver General up to the end of September, having only to remark upon this head that the hopes I had been led to entertain with respect to the Colonial Revenue and as stated more fully in my dispatches of the 26th May and of 11 September have been fulfilled and the enclosure itself fully demonstrates that with judicious economy the revenues of this Settlement are fully adequate to meet the expences of its establishment. I have &c.

(Signed) D. BAIRD.

[Original.]

*Letter from REAR ADMIRAL GEORGE MURRAY to
WILLIAM MARSDEN, ESQRE.*

Polyphemus, St. HELEN's, 21st November 1806.

. SIR,—I have to acknowledge the receipt of your letter with Their Lordships' Instructions and Orders to proceed to Sea as soon as the *Cormorant* and *Hermes* Sloops join me from the Downs. I shall lose no time in putting Their Lordships' Orders in force.

I have &c.

(Signed) GEO. MURRAY.

[Original.]

*Letter from MR. JOHN MURRAY to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

COMMISSARY GENERAL'S OFFICE,
CAPE OF GOOD HOPE, 22nd November 1806.

SIR,—I have the honor to enclose to you Invoices and Bills of lading for Twenty-five aums of Red and White Constantia Wine, which by order of Lieutenant General Sir David Baird I have shipped on board the *Britannia* and *Sceptre* Transports and consigned to you. His Excellency desires me to add that the remainder will be sent by the next secure opportunity.

I have &c.

(Signed) JOHN MURRAY, D^r. Com. Gen^l.

[Original.]

*Letter from REAR ADMIRAL GEO. MURRAY to
WILLIAM MARSDEN, ESQRE.*

Polyphemus, St. HELEN's, November 24th 1806.

SIR,—I beg to acknowledge the receipt of your letter of the 22nd Instant with their Lordships' Directions to take the Ships named in the margin—*Polyphemus, Africa, Nereide, Dispatch, Camel S.S., Haughty G.B., Olympia Cutter, Flying Fish Sch., Cormorant, Hermes*—under my orders. I have &c.

(Signed) GEO. MURRAY.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to
LIEUTENANT GOVERNOR THE HONOURABLE H. G. GREY.*

DOWNING STREET, 28th November 1806.

SIR,—This Letter will be delivered to you by Mr. Henry Bird, who is appointed to fill the Situation of Deputy Secretary of the Cape of Good Hope, and I am to desire that you will give the necessary Directions for his Appointment to be made out immediately on his arrival. I am also to desire that you will call upon Mr. Bird to take upon himself the Duties of the Secretary's Office until the Arrival of the Secretary Mr. Barnard who will leave England in the course of a short Time. I am &c.

(Signed) W. WINDHAM.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to the
Lord President.*

DOWNING STREET, 29th November 1806.

MY LORD,—It being necessary in consequence of the Establishment of a Government at the Cape of Good Hope, that a Commission for the trial of Persons committing Offences on the High

Seas should be passed under the Seal of the Court of Admiralty, I have the King's Commands to acquaint your Lordship therewith and to desire your Lordship will represent the same to His Majesty in Council that a Commission may accordingly be passed.

The said Government is described as follows: The Settlement of the Cape of Good Hope in South Africa extending from the Southern Extremity of the Continent of Africa along the Western Coast thereof as far as Cape Negro on the Atlantic Ocean and along the Eastern Coast of the said Continent as far as Cape Corientes in the Indian Sea and comprising all the Territories situated within these Limits. I have &c.

(Signed) W. WINDHAM.

List of Names to be inserted in the Commission for the Trial of Pirates at the Settlement of the Cape of Good Hope.

Dupré Earl of Caledon Governor or the Governor for the time being.

Major General the Honorable Henry George Grey Lieutenant Governor or the Lieutenant Governor for the time being.

Winchcombe Henry Hartley Esqre. Judge of the Vice Admiralty Court or the Judge of the Vice Admiralty Court for the time being.

Andrew Barnard Esqre. Secretary of the Colony or the Secretary of the Colony for the time being.

Commander in Chief of His Majesty's Naval Forces on that Station or the Commander in Chief for the time being.

And all other Admirals, Captains, and Commanders of His Majesty's Ships who are or shall be within the Admiralty Jurisdiction of the Cape of Good Hope.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARSDEN, ESQRE.

Polyphemus, ST. HELEN's, December 3rd 1806.

SIR,—I beg leave to acknowledge Their Lordships' Order dated the 1st Instant to take His Majesty's Sloop *Speedy* under my

Command instead of His Majesty's Sloop *Hermes*, likewise your letter dated 2nd Instant acquainting me of Their Lordships' Order not to consider the *Hermes* any longer under my Command.

I have &c.

(Signed) GEO. MURRAY.

[Office Copy.]

Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to LIEUTENANT GOVERNOR the HONOURABLE H. G. GREY.

DOWNING STREET, 10th December 1806.

SIR,—Mr. Winchcome Hartley, the Bearer of this, is appointed Judge of the Vice Admiralty Court at the Cape of Good Hope, and as he represents that his salary is scarcely adequate to his Maintenance, it being considerably under that which his Predecessor received, and much below what Gentlemen in similar Situations in other Colonies are allowed, I request you will take the Circumstances of his Case into your Consideration; and that if you think the accommodation of a Government House to live in can with propriety be afforded to him, or that any small office compatible with that which he holds should become vacant, and can without interfering with Pretensions of others still stronger than those of Mr. Hartley be granted to him, you will pay that Attention to his case which you may think it merits.

I have &c.

(Signed) W. WINDHAM.

[Office Copy.]

Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to SIR DAVID BAIRD or the Officer Commanding at the Cape of Good Hope.

DOWNING STREET, 10th December 1806.

SIR,—In a Letter from Mr. Secretary Dundas to Lord Macartney dated 7th January 1797 His Majesty's Commands were conveyed

that the Fees and Perquisites which might be received by any Public Offices established, or to be established, under the Government of the Cape of Good Hope should in no case whatever belong to the Person or any of the Persons employed in such offices by right of office and without Account; but that all such Fees and Perquisites should be appropriated to the Payment of the fixed Appointments of the Persons employed in such Offices as far as they might go; and in a Letter from me to Lord Caledon the same command was repeated.

Mr. Bird, appointed Deputy Secretary to the Cape of Good Hope, having however represented to me that some Emoluments had arisen to Mr. Ross who filled that office when the Cape was before in His Majesty's Possession, from the Issue of Stamps and the Sale of Gunpowder to the Boors, and that these Emoluments, being at a fixed Rate and not exceeding in their Amount what seems a suitable Compensation for the additional Trouble incurred by the Parties to whom they were severally paid, were not considered as included in the Restriction abovementioned, but were uniformly received by the Deputy Secretary on his own Account to the Time the Cape was surrendered, I am to desire that in the Event of your finding that Mr. Bird has not been misinformed on the Ground of this Representation you permit him to receive the usual Fees on the above Articles. I am &c.

(Signed) W. WINDHAM.

[Office Copy.]

Letter from SIR GEORGE SHEE to SIR DAVID BAIRD.

DOWNING STREET, 10th December 1806.

SIR,—The Lords Commissioners of the Treasury having requested to be made acquainted with the particular Circumstances under which you found it expedient to make the Advances furnished to General Janssens, alluded to in your Letter of 8th of March last, in order that a Communication thereof might be made to the Commissioners for auditing the Public Accounts, who would otherwise under the Act of the last Session of Parliament charge you as a public Accountant with that Expenditure; I am directed

by Mr. Secretary Windham to desire that you will furnish me with the necessary Information on the Subject, in order that it may be transmitted to the Lords Commissioners of the Treasury.

I am &c.

(Signed) GEORGE SHEE.

[Office Copy.]

Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to the HONOURABLE H. G. GREY.

DOWNING STREET, 16th December 1806.

SIR,—Mr. H. Vos, a Merchant in the City, having represented to me that Mr. David Valentyn and Mr. John H. Fryman are desirous of proceeding to the Cape of Good Hope from Wismar in the Baltic in order to form a Mercantile Establishment in that Colony, I have the honor to acquaint you that permission has been granted to these Gentlemen to proceed to the Cape with their Families.

You will of course direct the usual Oath of Allegiance to be administered to them on their arrival in the Colony. I have &c.

(Signed) W. WINDHAM.

[Copy.]

Letter from the Governor and Council of Fort William to SIR DAVID BAIRD.

FORT WILLIAM, the 18th December 1806.

SIR,—We have the honor to acknowledge the receipt of Your Excellency's Dispatch under date the 12th of August, announcing the satisfactory intelligence of the conquest of the Fort and City of Buenos Ayres by His Majesty's Arms, and the measure which Your Excellency had adopted of detaining His Majesty's 47th Regiment intended for India, for the purpose of enabling Your Excellency to reinforce the Detachment under the Command of

Major General Beresford and thereby afford to that Officer the means of reducing the post of Monte Video.

2. We desire to offer to Your Excellency our congratulations on the successful Achievement of the conquest of Buenos Ayres by His Majesty's Arms, and to express our satisfaction at this important event.

3. In consequence of the receipt of private intelligence which we considered to be authentic, that Your Excellency had judged it expedient to dispatch his Majesty's 47th Regiment to Buenos Ayres we had the honor to address a letter to Your Excellency under date the 25th Ultimo requesting Your Excellency to supply the place of that Regiment by dispatching another to India.

4. Your Excellency will be apprized by that dispatch that the defective state of our European Force in India urgently requires a reinforcement equal to that which was destined for this Country. We are therefore compelled earnestly to request that Your Excellency will not detain the 47th Regiment longer than is absolutely necessary for the safety of the Colony, and that Your Excellency will order its being conveyed directly to Fort St. George instead of to this presidency. We have &c.

(Signed) G. H. BARLOW,
LAKE,
G. UDNY,
J. LUMSDEN.

[Office Copy.]

*Letter from the Right Honourable WILLIAM WINDHAM to the
HONOURABLE H. G. GREY.*

DOWNING STREET, 20th December 1806.

SIR,—It being judged expedient to augment the Colonial Hottentot Regiment at the Cape of Good Hope I am commanded to signify to you His Majesty's Pleasure that you should take immediate Steps for this purpose and that the Strength of the Corps should be carried if possible to the Number of 800 Rank and File. I have &c.

(Signed) W. WINDHAM.

[Original.]

*Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CAPE TOWN, 23rd December 1806.

SIR,—As on the arrival in England of the *Sarah Christiana*, which Vessel has accidentally put into Table Bay and being charged with Dispatches from India cannot be detained, many false and exaggerated reports may possibly get into circulation respecting the state of affairs in the Rio de la Plata at the date of our latest advices, I deem it my indispensable duty to acquaint you, for His Majesty's information, that the East India Company's Packet *Georgiana* is the last arrival from that quarter, having entered the River on the 15th of October last, and precipitately quitted it again on the 21st of the same Month, on the supposition that the City of Buenos Ayres was no longer possessed by His Majesty's Troops.

That it may be clearly understood on what grounds this to me apparently erroneous supposition has been formed, I herewith transmit a Copy of a letter I have received from Captain Leigh, Commander of the *Georgiana*, together with a Copy of his Journal from the period of his entering the River to that of his departure, and also of his Instructions to the Officer he sent to obtain a Pilot and Intelligence.

Neither the circumstances or facts reported in these papers, nor the conversations I have had with Captain Leigh and his Officers, have conveyed to my comprehension any conclusive Evidence of Buenos Ayres being again in the hands of the Enemy. Had that been the case, I think the Ship in Barragon Bay, which is said to have been perfectly ready for Sea, and was supposed to be a Spanish Frigate, would scarcely, if a Spanish Frigate and ready, have permitted the *Georgiana* to pass up the River in the Evening, and repass the following morning with English Colours flying, and pursued, under suspicious circumstances, by four small Vessels displaying Spanish Ensigns, without making some little effort to intercept her. And here it may be right to mention that three of the small Vessels, which followed and fired at the *Georgiana*, exactly answer the description of three which it is known Sir Home Popham commissioned and armed after the surrender of Buenos Ayres. To account for their having Spanish Colours it is

only necessary to say that a practice prevailed here, long after the Capture of this Colony, to display the Batavian Flag, both from the Ships and Forts, and a similar Ruse has probably obtained in the Rio de la Plata, particularly as experience had here proved it to be a successful mode of decoying the Enemy's Vessels into our possession.

Admitting, however, the possibility, or even the probability, that General Beresford, the better to insure the speedy and certain reduction of Monte Video, may have evacuated Buenos Ayres, for the purpose of adding the Garrison of that place to the reinforcements I sent him, all of which must have arrived in the River before the *Georgiana*, yet it does not at all appear to me that any thing seen, done, or reported by Captain Leigh can positively establish that fact.

By following the tract of the *Georgiana* on the Chart it will be observed that both in her progress up and down the River she steadily adhered to the side of Buenos Ayres, except when at a short distance from that City. On the opposite shore alone, on which Monte Video is situated, is there a sufficiency of Water for Ships of a large draft to ride at anchor, and it was below that Fort, and on the same side with it, between the shore and the English bank, that our Men of War did, or could, remain. Had, therefore, the *Georgiana* approached within view of Monte Video, or in the direction of it, I am perfectly confident she would there have found all our Ships, awaiting the result of the operations of the Troops on Shore.

But granting that some very serious, and almost general disaster may have occurred, what can have become of *all* our Ships, amounting to upwards of Thirty Sail? The *Georgiana* saw no Man of War of any description, the supposed Frigate in Barragon Bay excepted, she was clear of the River on the 21st of October, and has been arrived here more than a month. Surely if our Fleet had been attacked and vanquished by superior numbers (the only contingency which need be apprehended) probability is strongly in favor of some few out of so many being able to escape; and having escaped, it is but reasonable to conclude that, after a lapse of so many weeks, some one Vessel, if not several, would have reached the Cape long ere this.

Deliberately weighing all these circumstances together, and combining with them the facts that the *Georgiana* had no com-

munication with the shore, or with any Vessel in or near the River, that the opinion, assumed by Captain Leigh and his Officers of Buenos Ayres being retaken, is alone founded on conjecture and presumptive evidence, the only inference I can draw is that such opinion, if not totally erroneous, has at least been hasty and inconsiderate. I must nevertheless naturally experience much anxiety, until happily relieved by later and more satisfactory advices. These I have a right to expect hourly. It has become me, however, to make the present communication in the mean time, altho' I am sanguine in flattering myself that, before it can be received at Home, you will have obtained the certain and pleasing intelligence that the operations of General Beresford and Sir Home Popham have proceeded prosperously, and been brought to a final and successful termination. I have &c.

(Signed) D. BAIRD.

[Copy.]

*Extract from a Letter from GOVERNOR PATTON, of St. Helena, to
SIR DAVID BAIRD.*

ST. HELENA, 27th December 1806.

SIR,—If the capture of the Troops under Major General Beresford has taken place, this Garrison is thereby reduced in its number and strength 250 of our very best Men, without the immediate expectation of their return, which it behoves me to use every means in my power to have replaced as quickly as possible, more especially as this circumstance being known might induce an Attack of our Island. The vicinity of the Cape suggests an immediate Application to you, and the occasion of our defect arising from the Support of a Measure which your Excellency sanctioned, gives me cause to expect an inclination on your part to grant the Assistance required, as far as the Circumstances of your Garrison will admit. Our deficiency was 150 Infantry and 100 Artillerymen, with Officers and Noncommissioned Officers. An equivalent for this Force is what I request of your Excellency until an equal supply may be sent from Europe, of which I have

expectation, having sent a requisition to the Hon^{ble} Court of Directors upon this subject two months since. I have &c.

(Signed) ROBERT PATTON.

[Original.]

*Letter from REAR ADMIRAL GEORGE MURRAY to
WILLIAM MARSDEN, ESQRE.*

Polyphemus, ST. HELEN's, 29th December 1806.

SIR,—Be pleased to inform their Lordships that I have been obliged to return to this Anchorage with the Squadron under my command, except the *Olympia*, which I ordered to Spithead yesterday, as she had sprung her Bowsprit. I had succeeded in getting about six Leagues to the westward of Dunnose after beating to windward since Saturday morning, when about nine this morning it blowing very strong and the swell getting up, I made the Signal and bore up.

The *Polyphemus* having sprung her Main Topmast I have requested Admiral Montagu will order another off. I have &c.

(Signed) GEO. MURRAY.

[Original.]

*Letter from MR. J. P. BAUMGARDT to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

RIGHT HONORABLE SIR,—As every enlightened Government wishes to Collect and compare the Ideas, of such Individuals as may be Competent to give any Information respecting its distant Possessions, I have taken the Liberty to state a few observations relative to the Cape of Good Hope, resulting from my long Experience in that Colony.

Among the Encouragements which Govt. might tender to promote the Industry of Farmers and the Inhabitants in general of the Cape, would be the Erecting of a Large Granary at Algoa bay or Swarte Kops River, there to receive at a certain price to be fixed annually at the Cape Town by the Governor, Lt. Governor

and two or more Dutch Gentlemen of Rank and responsibility who might assemble with the form and appellation of a Colonial Council, and solely for the purpose of promoting and extending the Cultivation of the Soil.

But considering local Circumstances and the difficulty of procuring voluntary attendance at such a Board, by persons whose whole time can be more profitably employed, also these Gentlemen should have a salary besides what arises from their Offices, adequate in some degree to their Situation or at least not beneath their acceptance.

To this Granary should be appointed an Overseer and Receiver, the Farmers should be paid at Cape Town upon their producing the proper Certificates, at the Office of the Receiver of the Land Revenues, which would enable him to deduct the arrears of Rent due to Govt. and in which they wilfully fail every year.

Swarte Kops River is perfectly well Situated for Cultivation for Grain or any other sort of Produce, Indigo, &c., as in failure of Rains the Farmer can admit water into the fields from different branches of the Rivers, so that no crop ever fails. Another Granary upon a larger plan should likewise be built at Cape Town, so that Govt. having one year's store, would completely secure the Colony from want, in case of a failure of Crops in the Interior which often happens, and has been not long ago the case, be in the End amply repaid by Selling to the Inhabitants at certain fixed prices, on such melancholy occasions, for the original advance of money as well as obviate the great Expences incurred, on those occasions by sending for Corn from very distant Countrys, which generally arriving too late, from many unavoidable Circumstances obliges Govt. to resell the same at an immense loss, either from want of Room to store it, or from its proving damaged by a long Voyage.

Besides the actual Court of Justice, which under the Capitulation and in Conformity with the other conquered Dutch Colonies, was administered according to the Dutch Laws; there is a Commercial Court the members of which are Chosen from among the most respectable Inhabitants and merchants, and which was established during the late administration of the Gallo Dutch, where awards are given gratis, as a Court of honor or arbitration, and from whence so much advantage has arisen as to make its Continuance a very desirable Object.

This Court settles without further appeal all Mercantile disputes of what nature so ever, provided the Parties consent to their decision, which is generally agreed to by them as it saves both parties infinite Costs, which are unavoidably incurred, whenever they from Obsturacy persist to bring the Cause before the Court of Justice, so that the rightful Claimant calculating the Delay which must occur in a Court of Justice, by giving up a trifling part of his just demand seldom fails in having his suit accommodated or settled in a very short space of time.

Besides the encouraging the Cultivation of the Soil and planting of Trees in the Cape districts, Fuel being a Scarce article, many Lands which are now waste could be employed if Govt. would give them Gratis for a term of years, and afterwards raise a Rent upon them, which should be proportioned according to the state of their produces.

It would appear very advisable to diminish the Tythes of one third. This would also encourage the farmer, and instead of it substitute an encrease upon stamp'd paper, ordering all Receipts exceeding a certain sum, to be upon stamps, Marriage Licences, Bills, Mortgages &c. upon a higher stamp than at present, this would encrease the Revenues Sufficiently to repay the loss sustained by abolishing part of the Tythes, and at the same time conciliate and attach in a wonderful manner the Boers to Govt. which in Such a distant Colony may be of infinite service.

Wharfage and Anchorage duty can bear a small encrease and foreign vessels should pay double.

As the Exportation of the natural produce of the Country stands in need of Encouragement, that Duty, which is the most trifling Revenue to Govt. should be entirely taken off on Exports, in lieu of which the Imports should be encreased one third more ad valorem, and foreign traders should pay seven per Ct.

Of late Spanish sheep have been introduced, the wool proves equal in quality to the Segovia, therefore if Govt. would permit the Exportation of a limited number of Rams of the Spanish breed, in the Course of Ten years that Country would produce millions of lbs. of that so much wanted article and be able to undersell the Spanish Merchants.

The Vineyards of the Cape are the next Consideration, the same grape as the Madeira is Chiefly cultivated there, the process differs from the Madeira, only in vaulting and keeping the

wines, therefore could some experienced men be sent over to instruct them in the mode of preserving and keeping the wines properly, I am fully convinced that in the course of a few years the very best wines could be exported from that country, and the English markets amply Supplied from their own Colony.

As there is always a great Scarcity of Small money, and the English pence pass there for two pence and a Reduction can't now well be made, without affecting the property of every Individual, a great quantity being already in Circulation at that price, it would be both a Convenience to Govt. and to the Settlement, to send every two or three years in pence the Sum of Five thousand pounds Sterlg., by this a nett profit of £5000 Stg. would accrue to the state which in time would repay the Expence of the proposed Granarys, and as that Specie notwithstanding so high an advance finds its way home again, or is laid up by avaricious people who hoard their money, the demand for a fresh supply never fails to occur every two or three years.

As for keeping that so valuable Possession as a Depot for Troops, who Should necessity require may be sent to any of the Indies as inured to the Warm Climate, the Commanding Officers of that Station have already supplied Govt. with ample details, Evident it is that the troops sent there for their Recovery instead of proceeding to Europe, might be exchanged for an equal number of healthy Soldiers, being maintained there for a much less sum than in any other Country. I have, etc.

(Signed) J. P. BAUMGARDT.

Return showing the Population and Cattle in the Possession of Individuals at the Cape of Good Hope in the Year 1806.

	CHRISTIANS:	FREE BLACKS:	HOTTENTOTS:	SLAVES:	CATTLE:		Asses.	Hhss.
					Wethers.	Breeding Sheep.		
Cape Town.	1,775 1,326 1,462 1,758 114	..	..	..	1,663	1,187 1,317	2,328 2,258	6,955 2,033 11 902
Cape District	352 322 250 421 78	..	..	227	87 216	1,342 2,234 1,188	1,523 19,292 2,002	9,063 96 1,140
Stellenbosch.	1,469 1,165 950 1,339	..	..	..	168 306	2,537 518	2,017 3,761 7,450	1,138 2,000 32,279 16 2,186
Swellendam.	1,300 1,324 874 1,381 10	..	..	..	911 1,369	349 809	927 5,127 8,379 17,308 10,865	1,717 64,777 37,1,288
Graaff Reinet	1,027 1,367 790 1,313	..	..	..	845 1,540	951 782	4,145 11,920 42,636	664,615 63 74,394 .. 214
Uitenhage.	575 748 422 706 3	..	..	..	595 593	854 626	600 1,054 7,878 30,070	227,499 33 46,231 .. 231
Tulbagh.	528 367	378 650	4	..	738 585	823 590	537 1,094 401 537	326 2,004 2,877 7,045 9,833 5,020 162,324 1,463 27,887 .. 1,159
Total.	7,026 6,639 5,126 7,568	209	..	..	5,690 4,094 6,429	4,213 15,513 3,833 7,118 3,397	15,293 27,232 69,487 138,958 16,821 1,223,330	14,233 256,664 160 7,129

Return showing the State of Cultivation and Quantity of Land occupied at the Cape of Good Hope in the year 1806.

		MUDS SOWN:		MUDS REAPED:				VINES.		Leagues of Brandt.		Leagues of Witme.		Waggons.		Cartes.		Preheld Places.		Loan Places.		Places.		Ervien.		Morgen.		Lands in Free-Hold:		Lands in Quit-Rent:	
				Oats.	Wheat.	Harey.	Hfe.																								
Cape Town	.	168	166	114	6	837	1,347	110	55	340,738	58	9	277	180	..	2	..	506	469	..	5	556									
Cape District	.	2,713	904	1,223	38	22,774	17,205	4,780	268	2,371,049	733	46	519	121	..	86	..	9,673	31	..	349	510									
Stellenbosch	.	6,873	1,823	247	1,398	55,304	22,670	2,459	18,913	19,218,300	7,671	620	1,172	122	..	378	..	17,718	568	..	124	..									
Swellendam	.	1,879	847	84	12	30,267	14,831	165	139	1,322,647	576	182	997	67	..	591	20	51	..	..	..	..					
Graaff Reinet	.	321	115	..	14	6,853	3,499	..	28	393,349	122	19	967	14	..	244	1	28	..	..	..	..					
Uitenhage	.	335	92	..	1	5,268	1,263	..	17	123,000	14	1	514	7	..	150	..	..	..	..	..	..			
Tulbagh	..	1,816	579	152	181	16,684	7,623	2,141	1,596	939,329	468	95	592	86	..	285	20	..	..	..	23	..							
Total	..	14,106	4,587	1,746	1,639	137,993	68,439	9,655	21,016	24,708	4,129,643	24	974	5,038	597	..	1,736	41	79	27,897	1,068	23	366	1,068							

[Copy.]

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope for the Year 1806.

REVENUE.						Rixds.	skil.	st.
Lombard Bank						3,673	4	3
Vendue duties						71,396	1	4
Customs						137,170	1	0
Land revenue						42,972	6	1
Tithes and transfer duties						111,321	6	0
Stamps						26,709	2	0
Sequestrators department						10,298	2	0
Printing department						8,387	0	0
Port dues						2,530	5	4
Postage						2,633	5	0
Fines						183	3	2
Fees of offices						3,890	7	4
Purchase money of lands						4,358	2	4
Rent of a mill						303	0	5
New money as a grain fund.						80,000	0	0
Old paper money formerly in circulation and omitted to be exchanged						2,590	1	0
Miscellaneous receipts.						7,837	6	0
						Rixds.	516,256	7 3

EXPENDITURE.

Civil list, sterling salaries						54,545	4	0
Colonial salaries.						171,383	6	3
Public buildings (erection of new and repairs of old buildings, &c.)						57,692	3	1
Pay of Hottentot captains						640	0	0
Commissioners of the granary						80,000	0	0
Expenses of offices						10,699	0	1
Criminal prisoners and convicts						11,894	5	4
House rent and lodging money						150	0	0
Vessels and boats; purchase money and repairs of d°, including charges of the harbour master's departments at outposts						330	0	0
Prize agents						60,127	3	2
In lieu of old money formerly in circulation						2,590	0	0
Miscellaneous expenditure						14,494	6	1
Balance						51,709	2	3
						Rixds.	516,256	7 3

MISCELLANEOUS RECEIPTS:—1806.

	Rixds.	skil.	st.
Court of justice, in reimbursement of the salaries of the clerks, &c., paid in the first instance from the government treasury	6,000	0	0
Orphan chamber, ditto	1,396	4	0
Fiscal's department, the amount of expenses refunded by several masters whose slaves were criminally prosecuted and afterwards returned to them	441	2	0
	<hr/>		
	7,837	6	0

EXPENDITURE, SUNDRIES:—1806.

	Rds.	skil.	st.
Aspeling, for repairing waterworks at Simon's Town	500	0	0
Mr. J. Claase, for a quantity of ammunition sent to Uitenhage	1,411	7	0
Mr. S. Murray, sundry articles for the Caffres as presents	741	3	0
Mr. Berrange, assistant postmaster, the amount of the robbery committed at the office on the 15th of August	144	6	0
Premiums given to the highest bidders at the farming of the wine licences	755	0	0
Mr. A. Muller, in reimbursement of certain transfer duties paid by him	177	2	4
Captain Alberti, late landdrost of Uitenhage, balance of his account	1,476	7	3
Messrs. Bergh and Van Reenen, a remuneration for the losses sustained by them at their place Theefontein, owing to an accidental fire occasioned by His Majesty's troops	8,475	0	0
Mr. Claase, for a quantity of ammunition	54	4	0
D. Pontardant, Esquire, for his legal opinion on different subjects	625	0	0
Mr. Murray, for 106 lbs. of lead, sent as a present to the missionaries at Zak River	53	0	0
Mr. Elmore, for 80 yards of double bunting	80	0	0
	<hr/>		
	Rds.	14,494	6 1

(Signed) J. W. STOLL, Rec^r Gen^l.

[Copy.]

*Letter from CAPTAIN ROBERT STOPFORD to REAR ADMIRAL
GEORGE MURRAY.*

HIS MAJESTY'S SHIP *Spencer*,
PORTO PRAYA, 10th of January, 1807.

SIR,—I have left the *Crane*, Schooner, to apprise you of my having proceeded with the Expedition to the Cape of Good Hope in consequence of a strong representation of the Brigadier General stating that any longer delay would materially affect its ultimate success.

I have taken with me the *Theseus*, *Paulina*, and *Haughty*,—the *Captain* and *Ganges* I have ordered to England having been obliged to strip them of their stores and Provisions leaving them a bare sufficiency to perform their Voyage. I detached the *Nereide* on the 6th Inst. to Buenos Ayres with the Transports bound there and have directed Captain Corbet to proceed without delay to the Cape of Good Hope as soon as he had left the Transports in safety.

I have also left a letter for you with the Portuguese Governor at Porto Praya written in the Key of the Marine Telegraph Vocabulary.

I trust that you will arrive at the Cape soon after me and that you will find all the Convoy ready to proceed with you upon your arrival.

I have the pleasure to tell you that all the Troops are in good Health. They have been plentifully supplied with fresh Beef and fruit since our arrival here on the 14th of December. As I suppose that Sir Samuel Hood will accompany you to Porto Praya I have to request that you will communicate to him my proceedings. I have &c.

(Signed) ROBERT STOPFORD.

[Copy.]

Advertisement.

In order to avert the dreadful consequences that would arise to the Inhabitants of this Colony should the Small Pox be again

unfortunately introduced into it, His Excellency the Lieutenant General Commanding in Chief has been pleased to direct that a Commission consisting of the undermentioned Medical Persons be appointed for the purpose of carrying the Vaccine Inoculation into full effect. And as it has been found that the above discovery has been effectual in preventing the Small Pox, the Inhabitants are strictly informed and exhorted to lose no time in getting every person belonging to their Families Vaccinated forthwith; And as His Excellency is desirous of affording every facility to the propagation of this useful discovery, He directs that matter for the purpose of Inoculation be furnished by the Secretary of the Committee to every regular Practitioner in Town or Country, upon their personal application at the Office of the Secretary, or it will be transmitted by Post to the more distant parts of the Country. And that nothing may be wanting that can contribute to so desirable an end, every Householder is required to send to the Fiscal's Office in Cape Town a Correct List of those of his Family who have been regularly Vaccinated, as well as of those who have not undergone that operation.

The Committee to consist of the following Gentlemen :

- A. BAILLIE, Esqr., Depy. Inspector of Army Hospital, President,
- F. S. LIESCHING, } Members,
- L. G. BICCARD, }
P. J. TRUTER, Secretary.

Castle of Good Hope, 14th January 1807.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Col. Secretary.

[Original.]

*Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CAPE TOWN, 17th January 1807.

SIR,—I do myself the honor to report, for His Majesty's information, that in obedience to His Royal Command, communicated by your letter bearing date the 26th of July 1806, I this day

delivered over the charge of the Civil Government of the Cape of Good Hope to the Hon'ble Lieut. General Grey, who arrived here on the 15th Instant.

It is highly gratifying to me to have to remark that in making over my late charge I have the satisfaction of knowing the Colony of the Cape of Good Hope is in a state of high prosperity, and most perfect tranquillity. The Revenue, during the year I have administered the Government, has exceeded the amount of any corresponding period during the former possession of the Colony, the Salaries and other expences of the Civil Establishment have been paid up to January 1807 Inclusive, and a Surplus Sum of Forty Three Thousand Four Hundred Rix Dollars remains in the Colonial Treasury.

I propose to embark and to sail to-morrow in a common Transport for England, Admiral Sterling having given the most positive orders to the Captain of His Majesty's Ship *Sampson* to remain here only Twenty four hours after landing General Grey, and it having been impossible for me to make over the Civil and Military command in so short an interval with the necessary regularity. I have &c.

(Signed) D. BAIRD.

[Copy.]

Proclamation by SIR DAVID BAIRD.

Whereas I have received Dispatches from the Right Hon'ble Wm. Windham, One of His Majesty's Principal Secretaries of State, directing me, in His Majesty's Name, to deliver over the Government of this Settlement to the Hon'ble Lieut. General Grey, whom His Majesty has been pleased to appoint Lieutenant Governor: I do hereby deliver over the Government accordingly; All Persons Whatsoever residing in the Colony being required and Commanded to obey in future such Orders and Regulations as may from time to time be issued by or under the Authority of the Hon'ble Lieutenant General Grey, Lieutenant Governor and Commanding in Chief His Majesty's Forces in this Settlement.

Given under my Hand and Seal, at the Cape of Good Hope, the 17 January 1807.

(Signed) D. BAIRD.

[Copy.]

Advertisement.

Notice is hereby given that instead of the Inhabitants of Cape Town calling upon the Fiscal with an account of the numbers of their respective Families who have been Vaccinated, as directed in the Advertisement of the 14th instant, they are to communicate the same to their several Wardmasters, who will afterwards make a General Report to the Fiscal upon the Subject.

His Excellency the Lieut. General has further directed that it should be explained to the Inhabitants in general, that notwithstanding the beneficial effects of the Vaccine Inoculation have been so fully proved, it never was intended to compel the Family of any Person to be Vaccinated who is not anxious and willing that they should submit to the operation.

Surgeon L. G. Biccard is appointed Secretary to the Vaccine Committee, in lieu of Dr. Truter.

Castle of Good Hope, 23rd January 1807.

By Command of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Copy.]

*Letter from LIEUTENANT COLONEL SPICER to LIEUTENANT
GENERAL GREY.*

CASTLE, CAPE OF GOOD HOPE, 24th January 1807.

SIR,—I have the honor to state to Your Excellency that upon the Reduction of this Colony Sir David Baird considered it necessary for its further security and protection to order me to enlist a proportion of Hottentot Drivers, and purchase One Hundred and Eighty nine Horses on the part of the Ordnance, for transporting the light Artillery, and which being notified to his Lordship the Master General of the Ordnance and Board, I have their commands, dated the 24th March 1806 with duplicates, disapproving of any Establishment of the kind in the Colony of Good Hope; a Letter also on the subject from the Secretary to the

Board to Mr. Assistant Commissary and Paymaster Close, directing that the Expences attending the said Establishment cannot be defrayed by the Ordnance, a copy of which I have the honor herewith to enclose, and as I have considered it my duty to make Your Excellency acquainted with this circumstance, I am now to request your further commands as to my future proceedings, and whether the expence attending this Establishment, which is considerable, will hereafter be paid by the Commissary General from the Extraordinaries of the Army, or still continue to be defrayed by the Ordnance. I have &c.

(Signed) W. SPICER, Lieut. Col. Comg. Royal Artillery.

[Office Copy.]

*Letter from THE RIGHT HONOURABLE WILLIAM WINDHAM to the
EARL OF CALEDON.*

DOWNING STREET, 31st January 1807.

MY LORD,—I think it right to call Your Lordship's Attention to the Situation of the Moravian Missionaries established in the Interior of the Settlement under your Command and to recommend the Establishment and Individuals composing it who are represented to have always conducted themselves extremely well to Your Lordship's Protection. I have &c.

(Signed) W. WINDHAM.

[Office Copy.]

*Letter from THE RIGHT HONOURABLE WILLIAM WINDHAM to the
EARL OF CALEDON.*

DOWNING STREET, 31st January 1807.

MY LORD,—I herewith transmit to your Lordship a Copy of a letter that has been received by Sir George Shee from Sir Stephen Cottrell dated 23rd August last together with the several Inclosures therein referred to relative to an Application of Mr. Hermanus Vos respecting the carrying on a Whale Fishery from

the Cape of Good Hope, and I am to desire that on Your arrival at the Cape, Your Lordship will inform yourself of all the particulars connected with the subject in question and report to me your opinion as early as possible touching the permanent plan or System for carrying on the said Fishery which may be most proper to be adopted. I have &c.

(Signed) W. WINDHAM.

[Office Copy.]

Letter from SIR GEORGE SHEE to the EARL OF CALEDON.

DOWNING STREET, 3rd Feby. 1807.

MY LORD,—I am directed by Mr. Secretary Windham to acquaint your Lordship that he has given permission to Mr. John Adolphe Kuester and his Wife and Mr. John Schmitt and his Wife to proceed to the Cape of Good Hope and to reside there as Missionaries of the Moravian Society. I am, etc.

(Signed) GEORGE SHEE.

[Copy.]

Advertisement.

It having been represented to His Excellency the Lieut. Governor that several Hottentots, Deserters from the Cape Regiment, have been harboured in the Country Districts, He has thought proper to direct that it should be explained to the Inhabitants that Persons harbouring or concealing Hottentot Deserters are liable to incur the same pains and penalties as are already established by Law for the harbouring or concealing of Deserters of any other description, whether Military or Naval, from His Majesty's Service.

Castle of Good Hope, 6th February 1807.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Copy.]

Advertisement.

His Excellency the Lieutenant Governor has been pleased to appoint O. G. de Wet Esqre. to act as President of the Honorable Court of Justice in this Settlement, until His Majesty's Pleasure is known.

Castle of Good Hope, 6th February 1807.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Office Copy.]

Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to the EARL OF CALEDON.

DOWNING STREET, 7th February 1807.

MY LORD,—I have received the honor of your letter dated the 1st. Instant and as the chief Substance of it was stated in a paper of Queries to which it refers, and which I had previously received from you, my reply to the Letter will be found in the following Answers to those Queries.

Whether any Alteration is to be adopted in the present Laws or mode of administering them ?

This Query is answered by the Capitulation which of course remains in force until it shall be superseded by Order of The King.

In the Event of a Requisition for Troops from the East Indies or elsewhere, is the discretionary power of sending or retaining them vested in the Governor, although contrary to the Opinion and remonstrance of the Commander of the Forces ?

The Copy of a letter is herewith sent from Mr. Dundas then Secretary of State dated 26th Sept. 1800 to Sir G. Yonge, which with the Inclosure likewise transmitted herewith define clearly and explicitly the Military Power of the Governor as well as of the Commander of the Forces at that time, and the Instructions of the present Governor do not increase or diminish the power of either with respect to the other at the present time.

In Event of Invasion or Rebellion is the power of removing Troops vested in the Governor or Commander of the Forces ?

The foregoing Answer applies to this Query also.

Whether with the concurrence of the Commander of the Forces the Governor may alter the present mode of paying the Troops in Specie to the Paper Currency ?

The Paymaster of the Forces at the Cape acts it is presumed under the immediate Orders of the Paymaster General of the Forces. If Paper circulates without discount and with equal Facility as specie does, neither the Paymaster nor the Troops probably will object to receiving it; but paying the Troops in depreciated Paper at its nominal Value would be reducing their Pay and acting illegally.

What are the Regulations and Establishment of the Cape Corps ?

The Regulations for the Corps may be best learnt from the Officer Commanding it, the establishment is sent herewith together with an Extract of a letter from Mr. Harrison dated the 10th of September 1806 which contains all necessary Information on the Subject.

In what manner is the Colony to be supplied from the East Indies ?

This point is under consideration by the Lords of the Treasury.

Whether a Trade between Ceylon or the other Establishments under a Licence of the respective Governments be admissible ?

What line of Conduct respecting the Introduction of Slaves ?

These are Law Questions to be determined by reference to the Acts of Parliament which apply to them.

In the Event of the Revenues not being adequate to the additional Expences of the Cape Corps, in what manner is the deficiency to be supplied ?

The Expence of the Cape Corps is comprised within the general Expenditure of the Colony; should this exceed the Colonial Revenue, the Balance must be drawn for on The Lords Commissioners of the Treasury.

In respect to the Question contained in your Letter, but which the foregoing Queries do not refer to, namely " whether a Trade between Ceylon and the other Establishments under a Licence of the respective Governments be admissible ? "

I can only observe that the Chartered Rights of the East India

Company can not in any respect be affected by the Capture of the Cape of Good Hope and that Trade carried on within the Limits prescribed by the Charter must be subject to the Restriction which the East India Company impose. I have etc.

(Signed) W. WINDHAM.

[Original.]

Letter from the EARL OF CALEDON to the RIGHT HONOURABLE WILLIAM WINDHAM.

PORTSMOUTH, 10th February 1807.

SIR,—I have to acknowledge the receipt of your dispatch of the 9th Instant marked No. 5 in reply to the Queries I had the honor of submitting, containing also the Copy of a letter from the Right Honourable Henry Dundas to Sir George Yonge, Extract of a letter from the Secretary of War to the Earl of Halifax, the Establishment of the Cape Corps, and the Extract of a letter from Sir George Shee to Mr. Harrison.

I have likewise received three Dispatches addressed to Lieut. General Grey, one to Sir David Baird, and a letter to Mr. Pont-ardent. I have &c.

(Signed) CALEDON.

[Original.]

Letter from LIEUTENANT GOVERNOR GREY to the RIGHT HONOURABLE WILLIAM WINDHAM.

CAPE OF GOOD HOPE, February 19, 1807.

SIR,—Since I arrived here I have not had any opportunity of writing to you excepting by His Majesty's Ship *Sampson* which brought me, or by the *Paragon* Transport in which Lieut. General Sir David Baird went to England; and both these vessels sailed so immediately after I landed that I could not then do more than merely report my arrival.

Before this reaches you, you will in all probability have seen Sir David Baird, and have learnt from him all you wish to know as to the state of this Colony to the time of his departure and resignation of the Command to me ; since when little has occurred worthy of notice. I am happy to confirm as far as I can judge, from the short time I have been here, the favourable report I have reason to suppose Sir David would make to you of the tranquillity of this Colony and of the good disposition of the Inhabitants towards the British Government.

I have not made any change whatever in any of my predecessor's regulations, which appear to have given universal satisfaction, and are, as nearly as possible, conformable to those established by Earl Macartney in the year 1796 ; and should I even perceive the necessity of any alteration I should think it advisable to defer it until the arrival of the Earl of Caledon, whom I expect every day, and who will probably be provided with the fullest Instructions from His Majesty's Ministers relative to the Civil Government of this Settlement.

Mr. De Wet who was President of the Court of Justice when this Colony was before in possession of the English, has arrived here from England, where he resided whilst it was under the Dutch Government, and I have appointed him until His Majesty's pleasure can be known, to the same situation he held before, which was kept open for him by Sir David Baird ; and as it seems to be the general wish of the most respectable of the Inhabitants that he should again fill it, I trust that His Majesty will approve of what I have done.

In consequence of a letter from General Maitland to Mr. Alexander, supposing him to be here, of which A is an extract, I gave orders to the Commissary General to advance to Mr. Brown, the Master of the *Ariel*, One hundred and fifty pounds on account of the Government of Ceylon. The Dispatches to which the General alludes arrived here the same day that I did, and were forwarded to England by His Majesty's Ship *Sampson*.

The enclosed letter B from Lieut. Colonel Collins, Lieut. Governor of Van Diemen's Land, was not received by me until the latter end of January although dated the 31st August last ; and as there is only one Transport here and no Man of War of any description, I have not had any opportunity of complying with Governor Collins's request, which, however, there is no reason to

lament, as several vessels have touched here laden with provisions on their way to New South Wales since his letter was written.

The Enclosure C is an extract of a letter from Governor Patton at St. Helena applying for some Troops ; but as the Army in this Colony now consists of less than four thousand effective Men I did not think I should be justifiable in reducing it any further by a compliance with his wishes ; especially as there does not appear to be any reason to apprehend an attack upon St. Helena ; and as the circumstance of part of the Force having been taken from thence to support the expedition to South America has been so long known to His Majesty's Ministers that they have had an opportunity of adopting such measures in consequence as to them may have appeared best.

Enclosure D is a letter from the Commanding Officer of Artillery here relative to a Corps of Drivers and Horses attached to the Guns by order of Lieut. General Sir David Baird ; and I have to request that if the Board of Ordnance should persist in their refusal to defray the expence of this necessary establishment I shall be permitted to continue it, and to order the Commissary General to charge it in the extraordinaries of the Army ; as, should an attack be made upon this Settlement, the Artillery would labour under very considerable disadvantages had they to depend upon Drivers and Horses pressed at the moment, and consequently untrained. By giving up this Establishment I should also be totally prevented from ever bringing the Artillery and Troops together for the purpose of Exercise.

I have drawn my Salary as Lieut. Governor from the date of my appointment to the day of Sir David's departure at the rate of Three thousand pounds per annum and from that period I intend to draw only the same allowances that he did, until the arrival of Lord Caledon ; although I find it was formerly the custom for whosoever was at the head of the Government of the Colony to take the full salary of the Governor viz. Ten thousand pounds per annum. I shall not however do so without your permission, which I understand was applied for by Sir David Baird ; and as my expences have been very great I hope you will allow it to me if it was your intention to grant it to him. It is from the Colonial Treasury I have taken my salary and which I hope to find quite equal to the purposes of paying the Civil Officers of the Colony

and every other expence excepting that of the Military Establishment.

Enclosure E is the Receiver General's quarterly account up to the end of last December and Enclosure F will shew the whole of the Colonial Receipts during the last year, every distinct sum being arranged under its proper head.

The Twenty five Casks of Constantia Wine, the remainder of last year's delivery to Government, mentioned in Sir David Baird's dispatch of the 16th November last, I have forwarded by the present opportunity. I have &c.

(Signed) H. G. GREY.

P.S.—Since writing the above the Ship having been detained a few days I am enabled to transmit an account of the Import and Export duties collected in this Settlement during the last year under Enclosure I; also Copy of a letter from the Secretary of the Bombay Government to Capt. Normand of the East India Ship the *Experiment* relative to a French Frigate *La Piedmontaise* having got possession of the Company's Signals by the capture of the *Warren Hastings*.

[Original.]

*Letter from MR. JOHN MURRAY to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

COMMISSARY GENERAL'S OFFICE,
CAPE OF GOOD HOPE, 21st February 1807.

SIR,—I now beg leave to advise you of the shipment of seven Aums and thirty six half aums of Constantia wine on board the *Prevoyante* Storeship, which together with the quantity forwarded in the month of November last by the *Septre* and *Britannia*, will compleat the number of Fifty aums of wine of the last year's vintage, which I have been directed to consign to you for the use of His Majesty. I have the honor to enclose an Invoice and Bill of lading thereof, and to be most respectfully, etc.

(Signed) JOHN MURRAY.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to the
EARL OF CALEDON.*

DOWNING STREET, 28th February 1807.

MY LORD,—The King having been pleased to appoint Robert Dobbin Esqre. to be Captain at the Port at Cape Town in the Room of Captain Lukin resigned, I am to desire that you will cause the necessary Instrument to be completed for that purpose on the arrival of Mr. Dobbin, who will be the bearer of this Letter. I have etc.

(Signed) W. WINDHAM.

[Copy.]

Advertisement.

His Excellency the Lieutenant Governor has been pleased to appoint Mr. Petrus Stephanus Buissinne, Attorney at Law, to be Deputy Fiscal of the Simon's Bay District, until His Majesty's Pleasure is known, in the room of the late Mr. Roselt.

Castle of Good Hope, 28th February 1807.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Copy.]

Advertisement.

At the request of the Landdrost and Heemraden of Tulbagh, His Excellency the Lieutenant Governor has been pleased to authorize them to establish a Turnpike at the Roodezand Kloof, and to cause the following Tolls to be levied :

For any Two or four Wheeled Chaise	.	.	.	.	4	skillings
„ a Loaded Waggon	.	.	.	.	4	„
„ an Empty Waggon	.	.	.	.	2	„

For a Cart, whether empty or loaded	.	.	.	.	2	skillings
„ a Saddle Horse	.	.	.	.	1	„
„ every Twenty Oxen or Cows	.	.	.	.	4	„
„ every hundred Sheep	.	.	.	.	4	„

Persons passing the said Kloof for the sole purpose of attending Divine Worship, and not carrying any Articles for sale, to be exempt from paying the above Toll.

Castle of Good Hope, 28th February 1807.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Copy.]

Advertisement.

Notice is hereby given that the Government Farm of Camps Bay will be let on lease for the Space of One Year to the Highest Bidder, to commence from the first of the ensuing Month, the Tenant to be answerable to keep the Buildings in their present State.

Sealed proposals to be sent to the Colonial Secretary's Office before the 25th instant, on which day they will be opened, and the highest offer accepted.

Castle of Good Hope, 12th March 1807.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Copy.]

Advertisement.

The Government Salt Pans situated in the Cape Flats, on this side of Blueberg, Koeberg and Tygerbergen; also the Salt Pans behind the Steenbergen, about Vischhoek, to be let to the highest bidder on lease, subject to the usual conditions for the space of three years, commencing on the 1st May next.

The Tenant to be answerable to keep the buildings at Jan Biesjes Kraal in their present state.

Sealed proposals to be sent to the Colonial Secretary's Office before the 24th of April next, on which day they will be opened, and the highest offer accepted.

Castle of Good Hope, 12th March 1807.

By order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Copy.]

PROCLAMATION

By His Excellency the HON'BLE LIEUT. GENERAL HENRY GEORGE GREY, Lieut. Colonel of the 17th Light Dragoons, Lieut. Governor and Commanding in Chief His Majesty's Forces at the Cape of Good Hope.

Whereas by a Convention or agreement entered into on the 2d day of April of the Year 1793, between the Dutch East India Company on the one part, and the Possessors of the Farms or Vineyards of Great and Little Constantia on the other part; it was settled and determined, that in lieu of all Demands and Pretensions, which the said Dutch East India Company then possessed, to the exclusive Trade of the several Wines, produced at the Farms aforesaid; and in order, that the Possessors of those Farms or Vineyards might enjoy the right of disposing of their said Wines, to their own use and emolument, the said Possessors should be bound to furnish to the said Company, each Thirty Aams of Wine, that is Fifteen of Red, and Fifteen of White, at the rate and for the sum of 150 Guilders or 50 Rixdollars the Aam, as by the attested Copy of the Convention or Agreement hereunto annexed, more fully will appear.

And Whereas by the Conquest and reduction of the Colony by the Arms of His Britannick Majesty, His said Majesty has succeeded to all the Rights, Privileges and Dues which were then enjoyed by the Dutch East India Company, or since by the Government of the United Provinces of the Netherlands or Batavian Republic, I do therefore by these presents, appoint you W. S. van Ryneveld His Majesty's

Fiscal, together with Two Members of the Court of Justice, by the said Court to be named for the purpose, and John Murray Esqr. His Majesty's Commissary General to be Commissioners on the part of His Majesty, empowering and directing You, to proceed to the Farms or Vineyards of Great and Little Constantia aforesaid, and there to make Choice of Fifteen Aams of each Wine, at each of the Farms or Vineyards of Great and Little Constantia, proceeding in the same, exactly According to the manner set forth in the Convention or Agreement aforesaid, the Copy of which is hereunto annexed, Which said 30 Aams, for each of the said Farms or Vineyards is to be taken from the vintage of the Year 1806.

For all which, this shall be to you W. S. van Ryneveld Esqr. His Majesty's Fiscal, the Two Members to be named by the Court of Justice, and John Murray Esqr. Commissary General, and to each One of you severally, as well as to all others concerned, a full and Sufficient Authority.

Given under my Hand and seal, this 14 day of March 1807.

(Signed) H. G. GREY, Lieut. General.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARSDEN, ESQRE.

H.M.S. *Polyphemus*,
TABLE BAY, CAPE OF GOOD HOPE, 15th March 1807.

SIR,—Be pleased to inform their Lordships I arrived in this Bay with the squadron under my Command on the 11th Inst., after a passage of 49 days (from Port Praya) during which time nothing particular occurred.

I did myself the honor of informing you by the *Cormorant* sloop (which I sent to England from Port Praya) of my arrival at that place and of my reasons for sending the *Cormorant*, and for leaving orders for the *Speedy* likewise to return to England, the service they were intended for being done away by the Spaniards having recaptured Buenos Ayres on the 12 Aug. last, which information I received by a letter from Lord Collingwood when at Port Praya by the *Minorea* sloop. I likewise sent by the *Cormorant* Copies of the letters from His Lordship and from

Capt. Stopford, the latter informing me of his having dispatched the *Nereide* on the 6 Jan. with the 9 Regt to Buenos Ayres, and sailed himself with the *Spencer*, *Theseus*, *Pauline* and *Haughty* with the Transports on the 10th, and that I had sent the *Olympia* Cutter the evening of my arrival (19 Jan^y) off Rio de la Plata to inform such ships as might be bound to Buenos Ayres of the Intelligence I had received and to cruize there fourteen days, then proceed to the Cape of Good Hope.

On my arrival here I found the *Harrier* sloop, which had parted from Sir Thos Troubridge in the *Blenheim* and *Java* Frigate on the 1st Feb. in a heavy gale of Wind, and I am extremely sorry to find by Capt. Finley of the *Harrier* that the leaky state of the *Blenheim* and the Violence of the Gale gives great reason to be apprehensive for the safety of the *Blenheim* and of the *Java*, particularly as the *Harrier* has now been here fifteen days and no account of either of the above ships have been received. Capt. Finley parted with them in the Lat^{de} of 21° 44' S. & Long^{de} 65° 11' E. I send a Copy of the *Harrier's* Log for the 1st & 2nd of Feby. Capt. Finley says the *Blenheim* made seven Inches Water an hour in Madras Roads & some days before the Gale that had encreased to eight Inches, & that the ship was much broke. He did not observe any appearance of Distress in the Gale before he parted Company, nor was any signal made to that purpose.

An American Ship which arrived here some days ago reports having spoke with the *Speneer* & the Transports on the 25th Jan. nearly on the Line and in the Long^{de} of 22° W^t. No accounts have been received here from Adm. Sterling since the arrival of the Honble. Lieut. General Grey.

The *Lineoln* Transport with Ordnance Stores for Ceylon, which came from England with Orders to wait here for Convoy, is still here, No Ship of War having gone from hence to India since her arrival.

I have the pleasure to state the Squadron under my Command is very healthy, not having had occasion to send a man to the Hospital for ill health, and only one (from the *Flying Fish*) for a fracture.

I enclose the State of the Squadron, and have etc.

(Signed) GEO. MURRAY.

[Office Copy.]

*Letter from the RIGHT HONOURABLE WILLIAM WINDHAM to the
EARL OF CALEDON.*

DOWNING STREET, 18th March 1807.

MY LORD,—I am to request that on the arrival at the Cape of Good Hope of Mr Mathew Gall, the Bearer of this letter, your Lordship will appoint him to the Office of Postmaster agreeably to the purport of a Letter addressed by me to Lieutenant Governor Grey on the — of — last, with the same Salary as was annexed to that appointment when the Cape was before in His Majesty's possession.

Mr. Gall has been detained in England a considerable time from a difficulty in procuring a passage to the Cape. I have etc.

(Signed) W. WINDHAM.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARSDEN, ESQRE.

Polypheus, TABLE BAY, 23rd March 1807.

SIR,—I have the honor to inclose a Duplicate of my Dispatch sent from hence to St. Helena the 15th Inst^t, to be forwarded from thence by the first Opportunity.

You will be pleased to inform Their Lordships that the *Haughty* Gun Brig arrived here on the 15th Inst^t, she was sent on by Cap^{tn} Stopford with an Account of his Approach and with directions to return to him off the Cape if Table Bay should be thought unsafe for the Transports to enter.

On the 18th the *Campion*, Army Victualler, arrived from the Convoy, Cap^{tn} Stopford having taken some provisions out of her on this side of the Line, and left her to proceed here, as she had detained the Convoy by her bad sailing.

On the 19th His Majesty's ship *Nercide* arrived from off Monte Video with Dispatches from Rear Admiral Stirling to Sir Thomas Troubridge, or the Senior Officer at the Cape, giving an Account

of Monte Video being taken by Assault on the 3rd February last.

On the 20th Inst^t His Majesty's Ship *Thesucus* arrived, having left the Transports two days before standing in for False Bay, and being directed by Captⁿ Stopford to come here. The same day the *Fly* Sloop arrived from England, last from Port Praya with Dispatches for Sir Thomas Troubridge or the Senior Officer, for Brigadier Gen. Crawford, and for myself, dated the 1st and 2d January. I likewise received a letter from Captⁿ Stopford informing me of his Arrival in Simon's Bay on the 19th with the Transports and the *Paulina*. I regret very much that Captⁿ Stopford did not come into this Bay, as the very great difficulty of getting Refreshments and Provisions for the Troops to that Bay at this season of the Year would not only retard the getting the Transports ready, but would be attended with an enormous expence, as almost every thing is sent from Cape Town in Waggons which do not take much, but for each of which they charge Ten Pounds Sterling, it being near 28 Miles and a great part of the Road very bad.

As it is the Opinion of the most experienced Men at this place that Table Bay is perfectly safe during the month of April, I have directed Captⁿ Stopford to come round with the Transports to this Bay, he sailed Yesterday and I hourly expect him here. Sir Roger Curtis, who was particularly careful when Commander in chief here, never ordered his squadron to move from hence till the 12th of April, as I am informed. The General likewise wished the Troops to be here, where they could be refreshed after so long a Voyage, which was an additional inducement for me to order them round.

Information was received here from a Swede that Sir Edward Pellew had, on the 27th Novem^r last, burnt sixteen Merchant Vessels, a Dutch Frigate of 32 Guns, with the *William* Sloop of War and two Brigs, in Batavia Road, and brought out two Merchant Vessels.

I am very sorry to say that I have not received any Account of the *Blenheim* or *Java* since I informed you of the Account given me by Captain Finlay of the *Harrier* who is likewise very apprehensive for the safety of Sir Thomas Troubridge and the abovementioned Ships. As General Grey wishes to send a Transport with some provisions and Powder for the Army at

Monte Video, I shall send her under Convoy of the *Fly* Sloop, who will take Dispatches to Rear Admiral Stirling and will, I hope, sail 25th Inst^t. I shall by the *Fly* inform Rear Admiral Stirling of my Intentions as to my future proceedings in consequence of Their Lordships' Orders dated the 2nd January.

I have etc.

(Signed) GEO. MURRAY.

[Copy.]

Notice.

25th March 1807.

The Right Hon'ble William Windham having this day delivered up the Seals of the Colonial and War Departments, they were given by His Majesty to the Lord Viscount Castlereagh, who was sworn in Secretary of State accordingly.

[Original.]

*Letter from LIEUTENANT GENERAL GREY to the RIGHT
HONOURABLE WILLIAM WINDHAM.*

CAPE OF GOOD HOPE, March 26, 1807.

SIR,—The return of His Majesty's Ship *Theseus* to England enables me to transmit a duplicate of my dispatch of the 19th February; and I have now to acknowledge the receipt of your letter of the 2nd January, which was delivered me by Brigadier General Crawfurd, whose arrival here, with Admiral Murray and the Force under their orders, has been of course reported to you by these Officers themselves; and I beg to assure you that I will do every thing in my power to assist them in refreshing and in enabling them to proceed on the service for which they are intended.

2. In consequence of a communication from Sir Samuel Auchmuty giving me an account of his success at Monte Video, in which he complains of a want of Gunpowder and Grain or Flour, I have lost no time in dispatching a vessel to him with Five

hundred Barrels of the former and a considerable quantity of the latter ; which will, I trust, be received in time to prevent his Army from being distressed ; and I hope you will approve of what I have done, as Sir Samuel writes strongly about his want of these things, and I calculate that the supply I have sent him will arrive at least a month sooner than any assistance of this nature could reach him from England, in consequence of the representations he may have made to Government. Sir Samuel Auchmuty indeed not being here with his Force (as you expected) I consider having sent him these supplies as obeying the spirit of your order of the 2nd January, by giving him all the support I can.

3. I must take this opportunity of repeating what I have before stated, namely that I have not a Transport at my disposal, nor will there be a Ship of War, excepting one Gun Brig, when Admiral Murray is gone ; and I fear I should find considerable difficulty in taking up vessels should you think it necessary to direct me, at any time, to forward any part of the Force under my orders to India or elsewhere. All the vessels of every description which were here originally are in the River Plate and have been there from the time of that service having been first undertaken, without their having been replaced by others.

4. Sir Thomas Troubridge has been expected here for some time ; the *Harrier* Brig of War having arrived here these three weeks, which parted with him in a most violent gale of Wind off the Mauritius, and I am sorry to say that as the *Blenheim* was in a bad state, making eight inches of Water in an hour before the Gale commenced, considerable apprehensions are now entertained for her safety.

5. Enclosures A 1, 2, and 3 are copies of letters from the Governor General in India applying for a Regiment in place of the 47th Regiment, but I have not the means of sending one thither, even should I think myself justifiable in lessening the Force in this Colony, now reduced to little more than Three thousand British Troops including Cavalry and Artillery.

6. It affords me great pleasure to be able to repeat to you what I stated in my last Dispatch as to the tranquillity that prevails in this Settlement and the good disposition manifested by the Inhabitants towards the British Government. No event of sufficient importance to be reported has taken place since my letter of the 19th February by His Majesty's Ship *Prevoyante*. The last

Harvest having been very abundant the Colony is at present plentifully supplied and may be considered, with justice, as in a more favourable and flourishing condition than it has been in for several years past. I have &c.

(Signed) H. G. GREY.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARSDEN, ESQRE.

Polyphemus, TABLE BAY, 26 March 1807.

SIR,—I have to request you will inform Their Lordships I received (by the *Fly* sloop) which arrived in this Bay the 20th Inst^t, their Orders to proceed (notwithstanding former Orders) to Rio Janeiro or Buenos Ayres as I shall judge fit to co-operate with Sir Samuel Auchmuty, &c.

Their Lordships will be informed by my Letters from Port Praya as well as those sent from hence to St. Helena to be forwarded by the first Opportunity That the Transports under Convoy of the *Spener* and *Theseus* had sailed from Port Praya on the 10th Jan^y which Captⁿ Stopford's letter left there for me mentioned, but I now find it was the 12th and that I arrived there on the 19th with the Squadron, sailed again the 21st after putting a new Bowsprit in the *Saracen*, & from the Intelligence I received from the *Minorca*, sent by Lord Collingwood, of Buenos Ayres being taken on the 12th August by the Spaniards, I directed Captⁿ Hughes to proceed to England with the *Cormorant* and sent the *Olympia* Cutter, the Evening of my Arrival, off the River Plata to inform such Vessels as might be bound to Buenos Ayres of the Intelligence I had received, likewise leaving Orders for the *Speedy* to return to England, the service these two sloops were intended for being done away by Buenos Ayres being in possession of the Enemy.

On the 11th Inst^t I arrived with the squadron in Table Bay, the 19th the *Nereide* arrived from Monte Video with an Account of that place being taken by Storm on the 3rd Feby., and from letters received by General Grey it appears that Sir Samuel Auchmuty did not mean to go on to the Attack of Buenos Ayres,

not having sufficient force. The same day, 19th, the *Speneer* arrived in False Bay with the Transports and the *Paulina*, the *Theseus* having been sent here as well as the *Haughty* Gun Boat by Captⁿ Stopford.

The Difficulty attending the getting the Transports fitted and the Troops supplied in False or Simon's Bay induced me to order them here.

They arrived in this Bay the 23rd and are now refitting. The Transports I have ordered to complete to 4 Months full, equal to Six Months at two thirds allowance for the Troops, which is the Proportion they sailed with from England, and I hope they will be ready to sail by the 10th of April or sooner, when I shall proceed with the squadron of Transports off Monte Video to put their Lordships Orders in force.

As General Grey is sending a Transport with Powder & provisions for the Troops at Monte Video, I have directed the *Fly* to convoy her and to take Dispatches for Rear Admiral Stirling and Sir Samuel Auchmuty, informing them of my Intentions. Should the Transports not be able to complete their water in time I shall go to St. Helena, as I must go nearly as far Northward to insure the strong S.E. Trade Wind, & it would be but little, if anything, out of my way.

The *Speneer* and *Theseus* will be ready to sail on Sunday next 29th. I shall direct Captⁿ Stopford to take the *Theseus* under his Orders and to call at St. Helena for any Ships that may be there ready to sail for England, but not to wait, but if none are there, to proceed immediately to England.

I have the pleasure to State that the Crews of the Squadron are very healthy, and have etc.

(Signed) GEO. MURRAY.

P.S.—I transmitted to Mr. Marsden the Log of the *Harrier* at the time of her parting from the *Blenheim* and *Java*, and it is now 26 Days since the *Harrier* arrived and no accounts received from the *Blenheim* or *Java*. I am very apprehensive for their safety.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARSDEN, ESQRE.

*Polyphemus, AT SEA,
CAPE OF GOOD HOPE BEARING S.S.E. ABOUT 9 LEAGUES,
7th April 1807.*

SIR,— I did myself the honour of writing to you by the *Speneer* and *Theseus*, which Ships sailed from the Cape the 29th of March with Orders to call at St. Helena to complete their Water, and take such ships as might be there waiting Convoy for England, but not to wait longer than to complete their Water.

You will be pleased to inform their Lordships the *Fly* Sloop sailed the 30th March for Monte Video, taking under her Convoy the *Septre* Transport laden with Provisions and four Hundred and Sixty Barrels of Powder, which General Grey had ordered on board her, for the Use of the Army under Sir Samuel Auchmuty. By the *Fly* I informed Rear Admiral Stirling of the Orders I had received from their Lordships to proceed with the Transports to Rio de la Plata, and of my intentions to put them in force as soon as the Transports were victualled.

I mentioned in my last my wish to get them clear of Table Bay (if possible) before the change of Moon, as a North-West gale, it was apprehended, might set in at that time, which would make it very dangerous for them, and that I intended to take St. Helena in my way to Monte Video to complete the watering of the Transports, another strong Motive for going there that, in Case of Separation, there is no place of Rendezvous between the Cape and the River Plata, where we could assemble, and the variable Winds and Gales that might be expected before we got into the Trades made it most probable that a separation might take place, in which case St. Helena offered us a good Rendezvous for collecting.

On the 4th Inst^t the Provisions were all embarked in the Transports, and I made the Signal to prepare for sea, meaning to go the next morning at Daylight, but the Masters of the Transports not having quite settled their Accounts with the Agent Victualler induced me to wait a few hours, when a violent Gale at South-East came on which prevented the Transports from weighing. The *Polyphemus* driving, another Anchor was let go, but to no effect, so that in the afternoon the Gale increased and Robin Island,

with a dangerous Reef, not being far to leeward of us, I directed Captain Heywood to slip the two Cables, and we put to sea.

It however moderating in the morning, we returned and got hold of our Slip Buoys, but I was much disappointed to find one Cable had parted, and, on heaving the other Anchor up, found the Flooks and part of the Shank gone, and the Cables much rubbed. A Breeze springing up from West-South-West I directed the Convoy to Weigh and by noon they were all under Weigh, and at Night clear of the Bay and of Robin Island.

I gave orders to Captain Finlay of the *Harrier* to remain at the Cape until further Orders. I have likewise left my secret Rendezvous (sealed) with the Naval storekeeper for any officer who may arrive at the Cape with Dispatches for me.

His Majesty's ship the *Sir Edward Hughes*, Captain Ratsey, with the *Walmer Castle*, *Elphinstone*, *Ceres*, *Winchelsea*, *Alnwick Castle*, *David Scott*, and *Essex* Indiamen, and the *Sinclair* Botany Bay ship, attempted to work into Table Bay on the 5th Inst^t, but it blew so hard they were obliged to bear up, I believe for St. Helena; they left China the 6th of January and Penang the 18th of January for Madras, they had no intelligence of Sir Thomas Troubridge. The Master Attendant at the Cape will weigh the Anchor we have left, but did not think it right to wait for it, the ship is therefore two Anchors short of her Complement, and three Cables are so much rubbed I fear not more than one of them will be serviceable.

I enclose the state and Condition of His Majesty's ships and Vessels under my Command, and have etc.

(Signed) GEO. MURRAY.

[Original.]

*Letter from LIEUTENANT-GENERAL GREY to the RIGHT
HONOURABLE WILLIAM WINDHAM.*

CAPE OF GOOD HOPE, April 14, 1807.

SIR,—I avail myself of the opportunity of the Extra Indiaman the *William Pitt* having touched here on her way to England to report the sailing of General Crawfurd and Admiral Murray with the Force under their Command on the 6th Inst. according to the

orders they received by the *Fly* Sloop of War which overtook them at this place.

Feeling it to be my duty to assist this Expedition as much as was in my power, I directed a considerable quantity of provisions to be issued from the Commissary General's Stores for their use; the Agent Victualler of the Navy, who, as the Troops were embarked, ought to have supplied them, not having sufficient in his possession and not being able to procure more without causing great delay; I therefore hope that what I have done will be approved of; but I fear it will be out of my power to afford the like assistance to any other Troops that may arrive here without a fresh supply from England.

I beg to state that the Army here are much in want of Coals, the few that are to be had bearing an immense price; none having arrived since the Settlement has been taken possession of by the British; notwithstanding a letter from the Lords of the Treasury of so old a date as the 8th July 1806 promising that some should be sent, of which Enclosure A is a copy.

I beg leave to state to you for the information of His Majesty that there are at present two Church Livings vacant in this Settlement and a third occupied as a temporary measure by a Missionary. I have been solicited by some of the most respectable Inhabitants to endeavour to procure from Europe some well informed Dutch or German Clergymen of the Calvinist persuasion to fill them; the Country people in these parishes being at present without any Minister whatsoever. As these livings, besides the advantages of a House and Grounds, are worth Two hundred pounds per annum paid by the Colonial Government, with a pension to the Widow in case of survivorship, perhaps some eligible and respectable persons may be found who will be happy to occupy these situations which they will owe to the British Government.

Nothing else has occurred since my letters of the 26th and 29th March by His Majesty's Ships *Paulina* and *Thescus* worth troubling you with. I have &c.

(Signed) H. GREY.

P.S.—I am sorry to say that no accounts have yet been received of His Majesty's Ship *Blenheim* with Sir Thomas Troubridge, for whose safety I mentioned in my last letter great apprehensions were entertained.

[Copy.]

*Proclamation by LIEUTENANT GOVERNOR HENRY
GEORGE GREY.*

Whereas representations have been made to Me, that bad Drugs and Medicines are not only frequently sold to the Inhabitants of this Settlement by Persons who are not sufficiently instructed in Medicine to be able to judge of the Nature of the Articles they retail; but also, that a Considerable Number of Persons officiate as Physicians and Surgeons, who have never been properly educated, and are not by any means sufficiently qualified.

Now having taken the above Practices (the further Continuance of which cannot but be highly injurious to the Public) into my most Serious Consideration, and being Actuated with a Wish to adopt every Measure that may be Conducive to the Welfare of the Inhabitants of this Settlement, I hereby, by virtue of the Power and Authority vested in Me by His Majesty, order and direct, that the following Regulations with respect to all Persons residing in this Settlement, and practising either as Physicians, Surgeons, or Apothecaries, or vending or retailing of Medicines under any other name or denomination whatever, shall be by Such Persons strictly adhered to:

Art. 1. A permanent Supreme Medical Committee, to Consist of the Gentlemen hereafter named, to be formed.

2. All Medical Persons Whatsoever who at present act either as Physicians, Surgeons, or merely vend Medicines, to appear personally before the Said Supreme Medical Committee, and there to shew their Diplomas, or such Certificates as they may possess of their qualifications from any College or University in Europe, and all Persons at present practising Medicine in the Settlement, who can not produce such documents as above-mentioned, Must be examined by the Committee as to their knowledge and abilities, and will be authorized to Continue to practise, or otherwise, According to their Qualifications.

3. The Supreme Medical Committee will transmit to the Colonial Secretary's Office a List of all such Medical Persons as may appear before them in obedience to the foregoing Article, stating against each Person's Name Whether he has made it

appear to them that he is Qualified to practise as a Physician or Surgeon, or ought only to be allowed to retail Medicines and Drugs, and make up prescriptions.

4. Permissions or Licences to Practise in this settlement as Physicians or Surgeons, or as Venders of Medicines, as the Case may be, will be made out at the Colonial Secretary's Office, and Sent to the Medical Gentlemen, according to the Report of the Supreme Medical Committee.

5. As the only object of the foregoing Regulations is the Welfare of the Inhabitants, and as it is not meant by any Tax upon the Medical Practitioners to augment the Colonial Revenues, it will not be required that the Permissions or Licences to practise should be written on a stamp, nor will they be accompanied with any expence whatsoever.

6. The Supreme Medical Committee to visit all the Apothecaries' Shops at least once a quarter, at uncertain periods, and to examine Carefully all the Medicines and Drugs, and to condemn and order to be destroyed Such as may appear to them improper or unfit for use; and if the Supreme Medical Committee have occasion to complain of bad Medicines being frequently found in the Shops of the Same Individual, he will be deprived of his Licence, and otherwise punished as the Case may deserve.

7. No Person Whatever to practise as a Physician, Surgeon, or Apothecary, or to retail or Vend Medicines, under any other name Whatsoever, without a Regular Licence recommended by the Supreme Medical Committee, under a penalty of Five Hundred Rixdollars.

8. All Apothecaries and Venders of Medicine to be answerable that their Laudanum, Opium, Arsenic, and other powerful Medicines, are kept in Secure places, and none to be Sold in dangerous Quantities without a written Permission from the Fiscal; and all Disputes respecting the amount of Apothecaries' Bills to be referred to the Supreme Medical Committee, who are hereby Authorized to tax such as may appear to them exorbitant, and the opinion of the Committee as to the amount of all disputed Bills or Accounts for Medicines and Medical attendance, to be Considered as final.

9. The Supreme Medical Committee to consist of A. Baillie, Esqr., M.D., Deputy Inspector of Army Hospitals, A. L. Emerson, Esqr., M.D., Physician to the Forces, and L. M. Biccard, Esqr.,

late Surgeon Major to the 9th Batt. of Batavian Jagers, and to begin their functions on Monday next the 27th instant.

Given under My Hand and Seal, this 24 day of April, 1807.

(Signed) H. G. GREY.

[Copy.]

Advertisement.

His Excellency the Lieut. Governor has been pleased to appoint (in consequence of a Letter from the Right Hon^{ble} W^m Windham, One of His Majesty's Principal Secretaries of State, dated 30 July 1806) J. P. Baumgardt, Esqre., to be Receiver General of the Land Revenues and Inspector of Government Woods and Lands in this Settlement.

Castle of Good Hope, 25th April 1807.

By Order of His Excellency.

(Signed) J. C. SMYTH, Act^g Colonial Secretary.

[Copy.]

Advertisement.

His Excellency the Lieut. Governor has been pleased to appoint Francis Dashwood, Esqre., to be Receiver General of the Colonial Revenues until His Majesty's pleasure is known, in the room of E. Bergh, Esqre., removed to the Presidency of the Chamber for regulating Insolvent Estates.

Castle of Good Hope, 25th April 1807.

By Order of His Excellency.

(Signed) J. C. SMYTH, Acting Colonial Secretary.

[Copy.]

Proclamation by LIEUTENANT GOVERNOR GREY.

Whereas it has been reported to Me, that some Malicious and ill-disposed Person or Persons did, in the Course of last night, put a shot into the Gun on the Castle Ramparts, usually fired as the Morning and evening Gun, and which shot was inadvertently fired this Morning, and has occasioned Considerable damage to One of the Houses of the Town, by which lives might have been lost; Now being anxious to bring the Perpetrator or Perpetrators of such an atrocious and Wanton Act of Mischief to punishment, I do hereby offer a Reward of Fifty Rixdollars to any Person who will Give such information as may be the means of his or their Conviction.

And in the event of two or more persons having been Concerned, I do, in addition to the above reward, hereby promise a free pardon to any One (except the person who actually put the shot in), who will Give such evidence as may lead to the Conviction of his Companion or Companions.

Given under My Hand and Seal, at the Cape of Good Hope, this 27th April 1807.

(Signed) H. G. GREY.

[Original.]

*Letter from LIEUTENANT GENERAL JANSSENS to
LORD CASTLEREAGH.*

THE HAGUE, the 5 May 1807.

MY LORD,—In making the present application to your Excellency I fulfill a duty, which is the more dear to my heart, as it is painfull to my feelings to be under the necessity of laying before your Excellency my claims against an infringement of the capitulation, which I have subscribed to at the Cape of Good Hope with His Excellency Sir David Baird, Commander in chief of the British Forces at the said Colony.

Agreeable to the 8th Article of the said Capitulation all the

property of the Inhabitants was secured to them, and therefore no doubts could arise but all such properties, whether they belonged to an individual person or to a collective body of individuals were to be respected.

To my utmost astonishment however I have been acquainted by authentic informations received in this country from the Cape of Good Hope that the British Commissaries there have thought themselves in the right of seizing, confiscating and exposing to sale the Magazines, fishing implements and Merchandizes, belonging to a private company which has obtained in the year 1802 a charter for fishing Wales on the southern coasts of Afric within the limits of the territory of the Cape of good Hope.

This company has experienced from me during its first attempts all and every protection which other private and mercantile establishments, indifferent whether belonging to natives or foreigners, had a right to expect; and as this company is really private, not being invested with any public authority whatever and destitute of all means of physic force, without being any ways related to nor connected with the government of the Mother country, I was so confident of its properties being not liable to be considered otherwise but as appertaining to a collective body of Merchants, voluntarily associated without any but mere mercantile views, that by this sole reason I thought it useless to make any special mention of it in the act of capitulation.

I have treated with His Excellency General Sir David Baird, with that candour, which ought to be the characteristic virtue of a soldier, and I feel the greatest satisfaction in acknowledging that on his side I always met with the same sentiments, of which in consequence I am now claiming the effects.

Any company My lord! by whose territorial power, influence, arms or Vessels the public forces could have been annoyed, and which as such could have coöperated to increase the military means of attack or defence may by full right be placed in the rank of public property, and as such considered as being liable to seizure and forfeiture to the profit of the Conqueror.

Agreeable to this distinction Milord! which I think grounded upon the law of nations, I felt myself authorized at the time of the new rupture between the two powers in the year 1803 to sequest the properties both of the British Government and the English East India Company which I could not but consider as a

real power, if not territorial, at least auxiliary to the government, but I carefully forbore from laying my hand on any English property, belonging to Individuals, or to any private association or corporation, whose operations, being merely mercantile, ought to be considered as inoffensive, nor have I by any means disturbed mercantile transactions, which English Individuals established under my government were carrying on within the precincts of the Colony even after the rupture had been declared.

This essential character of a company, possessed of offensive means, can on no account whatever be applied to peaceful Merchants, who employ no Vessels but such as are required for fishing on the Coasts and who, as their chief managers live at the Cape, are always under the immediate command of him, to whose hands the government of the Colony is devolved.

It is for these reasons My lord that I feel it incumbent upon me to lay before your Excellency my claims against the arbitrary seizure and confiscation of the above mention'd properties as belonging to a company of that nature, according to the very words and the true sense of the capitulation according to the candour and loyalty, upon which it has been grounded,—according to the interpretation, which filled the mind of both contracting parties, at the moment of its being concluded,—according to the evident principles laid down by the law of nations, and finally My lord according to that humane principle, universally admitted of and understood in all capitulations, bearing that in case of doubt, respecting the real meaning of articles (a doubt which in the present case I cannot even allow of) such articles are to be interpreted in the favour of the weakest or the conquer'd party.

Your Excellency I hope will excuse the zeal of a loyal Servant to his country, who interests himself in behalf of Individuals, who are fallen the innocent victims either of a mistake or an arbitrary act, and throughly convinced as I am of your Excellency's love to justice, I dare promise myself that by order of His Britannic Majesty those grievances shall soon be redressed in a manner adequate to the greatness of the wrong which has been committed in His Majesty's royal name. I have &c.

(Signed) J. W. JANSSENS.

[Original.]

Letter from the Batavian Minister of Commerce and of the Colonies to LORD CASTLEREAGH.

LA HAYE ce 8 de May 1807.

MILORD!—J'ai l'honneur d'adresser a Votre Excellence un Mémoire de quelques uns de mes Compatriotes qui, associés a plusieurs habitans du Cap de Bonne Espérance, avaient formé dans cette Colonie, un etablissement pour la pêche de la Baleine. Les petitionnaires assurent qu'on n'a pas observé à leur égard un des articles les plus essentiels de la Capitulation, qui a mis le Cap au pouvoir de Sa Majesté Brittannique. Comme leurs plaintes me paraissent justes et fondées, j'espere, Milord, que vous voudrez bien les honorer de votre attention et y faire droit de la manière que vous jugerez la plus convenable. Le cydevant Gouverneur et General en Chef du Cap Janssens, m'a prié de faire parvenir a Votre Excellence une Lettre de sa part relative a la même matière, que je prends la liberté de joindre a celle cy. Je profite avec plaisir de cette occasion pour offrir a Votre Excellence l'assurance de ma haute considération.

(Signé) P. VANDER HEIM.

[Enclosure in the foregoing.]

Memoire!

Les dernieres lettres venues du Cap de Bonne Espérance annoncent que des Commissaires de Sa Majesté Brittannique y ont saisi et confisqué les magazins, ustensiles et marchandises appartenant à une société particulière, qui, en vertu d'un privilége obtenu en 1802 exerçait la pêche de la Baleine sur les Côtes meridionales de l'Afrique, et dont le Comptoir principal etait etabli dans la ville même du Cap.

Il parait que cette confiscation est contraire à la Capitulation qui a été conclue entre le Général Janssens, Gouverneur de la susdite Colonie, et Sir David Baird, Commandant en Chef des Troupes Brittanniques, et d'apres laquelle les propriétés particulières devaient rester intactes.

Les biens de la susdite société étoient dans la Classe des pro-

prietés particulieres, vu que tous les fonds avaient été faites par des individus, habitans, soit de la Hollande, soit du Cap, e que tous les profits revenaient à ces mêmes individus, sans que le Gouvernement y eût la moindre part. Il est permis de croire que les Commissaires Anglais, qui ont ordonné la saisie de ces biens, ont perdu de vue la différence tres réelle qu'il y a entre une Société, qui par sa puissance territoriale, par ses troupes, ou par ses Vaisseaux peut prendre une part active a la Guerre, et s'identifie pour ainsi dire avec l'Etat et une Société uniquement mercantile, incapable de nuire, et absolument semblable aux maisons ordinaire de commerce, ou deux ou trois associés font valoir en commun leurs capitaux et leur industrie.

Le General Janssens etait tellement convaincu, que la Compagnie pour la pêche de la Baleine devait être considérée sous ce dernier point de vue, qu'il s'est dispensé de stipuler expressement pour elle, lors de la reddition de la Colonie. Mais dans le cas même, ou la question eut paru douteuse, on pouvait attendre de M. M. les Commissaires qu'ils s'en tiendraient à l'usage généralement reçu qui veut, que les points douteux d'une Capitulation soyent toujours expliqués et décidés en faveur de la partie qui a succombé.

Forts de ce principe, non moins que des argumens exposés plus haut, les Interessés à la Peche de la Baleine ne balancent pas à recommander leur cause a la justice du Gouvernement Britannique, et ils demandent avec confiance que ce Gouvernement leur accorde un dedommagement convenable pour la perte que leur a fait eprouver la confiscation inattendue de leurs propriétés, garanties par les termes précis de la Capitulation de Cap de Bonne Esperance.

[Office Copy.]

Letter from MR. EDWARD COOKE to LIEUTENANT GENERAL SIR DAVID BAIRD.

DOWNING STREET, 15th May 1807.

SIR,—As it seems probable that, from the date of the accompanying Letter it may not have reached the Cape of Good Hope previous to your departure, I have received Lord Castlereagh's

directions to transmit a Copy of it to you in order that you may furnish me with such Information as it may be in your power to afford on the Points therein stated. I have etc.

(Signed) EDWD. COOKE.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to LIEUTENANT GENERAL SIR DAVID BAIRD.

DOWNING STREET, 19th May 1807.

SIR,—I lose no time in transmitting to you Copies of Two Letters I have just received, One from Mr. Vander Heim, Minister of Commerce to the Colonies at the Hague, inclosing a Memorial on behalf of a Company formed at the Cape of Good Hope for carrying on a Whale Fishery, and the other from General Janssens, late Governor of that Settlement; and I am to request you will favor me with such Information upon the subject of it as will enable me to return an answer to General Janssens and Mr. Vander Heim. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 20th May 1807.

MY LORD,—Mr. F. Fagell, brother to M. Fagell Griffier to the States General under the Old Dutch Government, whose Character and Conduct claim every consideration that can be shewn to him and his Family, having been appointed to the Situation of Vendue Master at the Cape of Good Hope, I am happy to have the pleasure of introducing him to you. I feel myself bound to request your Lordship's particular Attention to Mr. Fagell, and I trust that when your Lordship has an opportunity you will not fail to shew him any civility in your power. I have etc.

(Signed) CASTLEREAGH.

[Copy.]

PROCLAMATION

By His Excellency DU PRÉ EARL OF CALEDON, VISCOUNT ALEXANDER and BARON CALEDON of Caledon in that part of the United Kingdom of Great Britain and Ireland called Ireland, and One of the Representative Peers of that Kingdom, Governor and Commander in Chief of His Majesty's Castle, Town, and Settlement of the Cape of Good Hope in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same.

Whereas his Majesty, by Letters Patent, bearing date at Westminster the 1st day of August 1806, has been graciously pleased to Nominate and Appoint Me Governor of this Settlement, with the Territories and Dependencies thereof; and having this day taken and subscribed the Oaths Accordingly, I do therefore, by Virtue of these presents, call upon and require every Inhabitant of this Colony, who shall not have already taken and subscribed the Oath of Allegiance to His Majesty, to take the Said Oath according to the form prescribed, and all such Inhabitants, who, either from Infirmitiy or any other impediment shall be for the present prevented from taking the said Oath, shall be Considered as having Virtually Acceded thereto, and any breach thereof will be punished Accordingly.

And I hereby make known to all Inhabitants, and such other Persons as it may Concern, that, in pursuance of His Majesty's Warrant directed to Me, I have this day constituted and appointed Andrew Barnard Esqr. Secretary and Registrar of the Records in this Settlement, and all Acts done by him in the said Capacity are to be Considered as Lawful, and all Orders issued by him in My Name are to be obeyed Accordingly.

Given under My Hand and Seal, at the Castle of Good Hope, this 22nd of May 1807.

(Signed) CALEDON.

By His Excellency's Command.

(Signed) A. BARNARD, Secretary.

[Copy.]

Advertisement.

Notice is hereby given that Christopher Bird, Esqre., is appointed Deputy Secretary of the Colony of the Cape of Good Hope.

Castle of Good Hope, 22nd May 1807.

By Command of His Excellency the Governor.

(Signed) A. BARNARD, Secretary.

[Copy.]

Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has thought proper to appoint Tuesdays and Fridays, between the hours of Ten O'clock in the forenoon and Two in the afternoon, as the days on which he will give Audiences and transact Public Business.

Castle of Good Hope, 22nd May 1807.

By Command of His Excellency the Governor.

(Signed) A. BARNARD, Secretary.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas His Majesty has been pleased to direct that a Court of Civil Jurisdiction for hearing and determining Appeals from the Courts of Law within this Settlement should be erected and that the said Court should consist of the Governor and Lieutenant Governor, that in the event of the absence of the Governor or Lieutenant Governor, the full power of hearing and determining Appeals is vested in whichever shall be present, It is hereby

declared and made Known, that the said Court is now open, and that all Persons are henceforth allowed and permitted to bring forward and prosecute Appeals before it, provided Nevertheless that in all such Appeals the sum or Value appealed for do exceed the sum of £200 sterling (or 1000 Rd^s.) and that security be first duly Given by the Appellant to answer such Charges as shall be awarded in Case the first Sentence be affirmed; and if either party shall not rest satisfied with the Judgment or Appeal, a further Appeal may be made to the King in Council, provided the Sum or Value so appealed for unto His Majesty do exceed £500 Sterling, (or 2500 Rd^s.) and that such Appeal be made within Fourteen Days after Sentence, and good Security be given by the Appellant that he will effectually prosecute the same and answer the Condemnation, and also pay such Costs and Damages as shall be awarded. In all Matters of Appeal the Appellant and Respondent shall Twenty-one days at least before the hearing, furnish the Courts of Appeals with Briefs and Statements of their Case in the English Language, and Certified by the Secretary of the CourtAppealed from, that they are true Briefs, and Contain nothing different from what appeared in the proceedings before the said Court.

Given under My Hand and Seal, at the Castle of Good Hope, this 29th of May 1807.

(Signed) CALEDON.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 30th May 1807.

MY LORD,—I have the honor to transmit to your Lordship the Copies of a Correspondence with the Court of Directors of the East India Company on the Subject of supplying the Cape of Good Hope with the produce of India and China.

By my Letter to the Chairman and Deputy Chairman of the 22nd Instant, your Lordship will perceive the footing on which this arrangement is placed, and I have it in Command from His Majesty to desire that you will on all proper occasions afford to the Agent of the Company the necessary access to the Custom

House and every other facility requisite for the due execution of his business, and also that you do use particular precaution to prevent unlicensed British subjects, or the subjects of States at War with Great Britain, from proceeding from the Cape to India on board of His Majesty's Ships, as well as the Company's, or those under Foreign Colours.

I also enclose a Copy of a Letter from the Clerk of the Council to Mr. Cooke, transmitting the Copy of an Order of His Majesty in Council empowering you to impose a Duty not exceeding 15 per Cent on all Goods, Wares and Merchandise not of the growth, produce or Manufacture of the United Kingdom of Great Britain and Ireland imported into the Cape, to which I must desire your immediate attention. The above Regulations seem calculated to secure a regular and ample supply for the Cape of every production it may require from the Eastward, upon principles safe and equitable both for the East India Company and His Majesty's subjects at the Cape, it is therefore His Majesty's Pleasure, that your Lordship should be governed by them, and that you should cause them to be respected and observed by all Persons residing within your Government, or holding Commercial intercourse with it. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 30th May 1807.

MY LORD,—I have since your Lordship's departure from England received a Dispatch from Major General Sir David Baird, dated the 19th of November last; from which I find that he had issued several Proclamations to regulate the Trade and internal Economy of the Settlement, amongst which I observe one for the establishment of a Colonial Granary. It is difficult to judge what effect may be produced by a measure of this kind if carried to any considerable extent: but as no inconvenience can be apprehended from trying it on the limited scale to which the General has confined its Operation your Lordship will of course exercise

your discretion in continuing it to its present Extent, or reducing it as Circumstances may render desirable.

I have also received a Dispatch (Colonial) from Lieut^t General Grey, dated the 19th of February last, in which he states that he had not made any change whatever in Sir David Baird's regulations, which appeared to have given universal satisfaction, and to be as nearly as possible conformable to those established by Earl Macartney in the year 1796. I have only therefore on that subject to recommend to your Lordship to adhere to the same line of Conduct unless especial Circumstances should arise to render it expedient to furnish you with fresh Instructions.

His Majesty has been pleased to approve of the Appointment of M. de Wet to the Office he formerly held of President of the Court of Justice, and I beg to recommend this meritorious Officer to your Lordship's attention.

The Order given by the Lieutenant General to the Commissary to advance to Mr. Brown, the Master of the *Ariad*, £150 on account of the Government at Ceylon, has been approved.

Instructions have been given to the Officer Commanding His Majesty's Forces in the River La Plata to send back the St. Helena Troops without delay, which I mention lest any fresh Application should arrive from that Island for a Reinforcement, and I have the satisfaction to acquaint your Lordship that the Board of Ordnance have undertaken to continue the Establishment of the Corps of Drivers and Horses attached to the Guns by orders of Sir David Baird.

The 25 Casks of Constantia have arrived safely in the *Britannia* and the *Prevoyante*. Those in the *Seepre* have not yet reached England. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to LIEUTENANT GENERAL THE HONOURABLE H. GREY.

DOWNING STREET, 30th May 1807.

SIR,—I have the honor to acknowledge the receipt of your Letter to the Right Hon'ble William Windham, marked Colonial

No. 1, on the Subject of which I have written to the Earl of Caledon, who will have assumed the Government of the Cape long before this reaches you.

His Lordship will inform you that your Order for paying £150 to the Master of the *Ariel* has been approved, and I have only to add that, as Sir David Baird has been allowed to draw no other Salary than that which was allotted to the Dutch Governor General Janssens, I am precluded from authorizing you to receive the full Salary of the British Governor, which can commence only from the time of the arrival of the Earl of Caledon.

I have the satisfaction to acquaint you, that His Majesty has been graciously pleased to approve your Appointment of M. de Wet to the office he formerly held with so much benefit to the Colony and reputation to himself. I have etc.

(Signed) CASTLEREAGH.

[Copy.]

Memorial of CAPTAIN J. CARMICHAEL SMYTH.

*To the RIGHT HONORABLE LORD VISCOUNT CASTLEREAGH,
&c., &c., &c.*

The Memorial of J. Carmichael Smyth Esq^r most respectfully sheweth—

That your Memorialist being well aware how much your Lordship's time must be necessarily engrossed by important national business, does not presume to intrude upon it, even for a moment, without much anxiety and regret. He however feels confident that should your Lordship honor the following statement with a perusal the justice and equity of his claim (if he may be allowed so to say) will excuse him for laying it at some length and with some additional details before your Lordship.

Your Memorialist served at the Cape of Good Hope for several years during the late war, upon the staff of Lieut. General Francis Dundas, and had an opportunity of becoming intimately acquainted with the civil as well as the military details of the Settlement. In consequence of that knowledge your memorialist was selected to serve as Chief Engineer with the Expedition that was sent

to retake the Colony under Sir David Baird in 1806, and after the Capture of the place was appointed by Sir David Baird to perform the duties of the Colonial Secretary and recommended Home to his Majesty's Ministers as a fit Person to be confirmed in that situation.

Your Memorialist was not without hopes of being continued in this Office, but being disappointed in this particular he continued nevertheless to discharge the duties with every possible attention for the space of a year and a half, when he was superseded by the late A. Barnard Esq^r.

It does not perhaps become your Memorialist to speak of his own conduct or of the difficulties of arranging and conducting the most important Office in a foreign Settlement under all the confusion and embarrassment incidental to a fresh Capture without even the assistance of a single English Clerk.

In addition however to the very flattering testimonies already laid before your Lordship, your Memorialist in justice to himself takes the liberty of observing that notwithstanding he had to draw up, under the orders of Sir David Baird, instructions for all the different Boards and Public Departments entirely different from those under which they had been acting (the Colonial Government having been in a certain measure new modell'd and the mode of collecting different branches of the Revenue and of auditing the public accounts simplified and as he trusts materially improved) he has the satisfaction to know, that not one of the regulations adopted during the time he was in Office has been rescinded and that most of them, on the contrary, having been highly approved of have been constantly followed up and acted upon.

Your Memorialist wishes further to state to your Lordship that during the time he held the Appointment of Colonial Secretary, he neither himself took nor did he allow to be taken at his Office any fees or perquisites whatever.

Fees on the issue of gun-powder and for preparing and passing certain papers have been demanded and taken since as well as before your Memorialist held the appointment. Your Memorialist however conceiving that the taking of fees was incompatible with his Character and situation directed that the amount should be paid into the Colonial Treasury; and, according to the Receiver General's Statement, he received, upon that account, nearly one

thousand pounds, during the period your Memorialist acted as Colonial Secretary.

Under all the above Circumstances your Memorialist does most respectfully submit to your Lordship's consideration whether he is not in justice entitled to the full salary allotted to the Colonial Secretary for the period he acted as such. He confesses he never entertained a doubt but that he would be allowed the full salary provided his conduct was approved of.

Your Memorialist has heard it has been objected to the prayer of his Memorial that he is a Military Man. He has however too high an opinion of your Lordship's liberality of sentiment to suppose that such an idea would for a moment influence your Lordship. Were it necessary, your Memorialist could point out that even the present Dep^y Colonial Secretary Major Bird stands in the same predicament. He is confident however that your Lordship will decide upon his claim according to its own merits and will not consider the profession of your Memorialist as in the least concerned in the business.

Your Memorialist never heard of any Military Man who lost half his salary attached to any political situation he might hold on account of his profession. It would indeed be hard upon the Soldier who risks his life and exerts his talents to expedite the capture of a Settlement to be told that those are the very reasons he is not to enjoy the full Salary attached to any situation to which he may be appointed, after its surrender.

Your Memorialist most respectfully solicits that your Lordship will be graciously pleased favorably to consider the prayer of this Memorial. And your Memorialist, as in duty bound, will ever pray.

(Initialed) J. C. S.

[Original.]

*Letter from LIEUTENANT-GENERAL GREY to the RIGHT
HONOURABLE WILLIAM WINDHAM.*

CAPE OF GOOD HOPE, 30th May 1807.

SIR,—The arrival of the Earl of Caledon who disembarked on the 22nd from on board His Majesty's Ship *Antelope*; and who,

having been sworn into office, assumed, in obedience to His Majesty's orders, the Government of this Settlement on the 23rd Instant, will necessarily preclude my troubling you with any report on the present affairs of this Colony ; it being my intention to confine my present communication to a narrative of such occurrences as have taken place since my Dispatch of the 14th April as appear to me ought to be reported.

2. Your Dispatch of the 31st July having been delivered to me by Mr. John P. Baumgardt, he was forthwith, in compliance with your Instructions, appointed to the situations of Receiver General of the Land Revenues and Inspector of Government Woods and Lands, the Gentlemen who held these employments having been displaced accordingly.

3. The office of Receiver General having been continued by Lieut. General Sir David Baird in the hands of the Dutch Gentleman who held that situation under the Batavian Government, and it appearing to me that a post of so much responsibility should be, if possible, in the hands of an English subject, I availed myself of a vacancy in the Chamber for regulating Insolvent Estates, to remove Mr. Bergh, the Receiver General, to that Board ; and I have named Mr. F. Dashwood (a Brother-in-law of Lord Lauderdale's) who came out here under the expectation of being employed in the Civil Service, to that appointment ; and as His Excellency the Earl of Caledon has concurred in the propriety of the step, I flatter myself that this measure will meet with His Majesty's approbation.

4. Enclosed A 1 to 6 are copies of such Government proclamations and advertisements as have been issued since my last Dispatch. A No. 2 contains some regulations respecting the medical practitioners in this Settlement and which were represented to me as highly necessary, in consequence of the indiscriminate admission of all Europeans calling themselves Surgeons and Apothecaries that had formerly been allowed, to the manifest prejudice and injury of the inhabitants as well as of those Gentlemen practising medicine who have been regularly admitted.

5. Enclosure B is the Receiver General's account of the Colonial Treasury up to the day on which His Excellency the Earl of Caledon assumed the Government. I avail myself of this opportunity to acquaint you that I have drawn from the Colonial Treasury the full salary allowed to the Governor for the period

I have presided in this Settlement. I have been induced to adopt this measure, with the Earl of Caledon's concurrence, as his Lordship does not receive any salary until after his arrival here; and as I have been also informed, by a private communication from Lord Howick, that it was the intention of His Majesty's Ministers that the person acting as Governor should always receive the salary as such.

6. Under letter C I have the honor to forward a Memorial from Captain Carmichael Smyth, who, having been appointed to act as Colonial Secretary at the capture of the Settlement has discharged the duties of that Office until a few days ago, when he was superseded by the arrival of Mr. Barnard; and I feel it a duty I owe to Captain Smyth strongly to recommend to your attention the subject of this Memorial; Capt. Smyth having done the duty of the office with great ability and punctuality and having afforded me material assistance in carrying on the Government of the Colony.

7. Having been told, though not from any authority, that the Uniform of the Cape Regiment is to be blue faced with red, which is the same they wore in the Dutch service, and which perhaps you are not aware of, I hope I shall not be thought to presume too far in suggesting that it would be better not to give them cloathing which would put them so much in mind of those under whom they formerly served. This may appear a trifling objection, upon the first view of it, and perhaps would not be of any consequence with other Troops; but with these poor ignorant creatures I am convinced that it is of considerable importance, particularly as they have been led to believe that they are to be cloathed in the same manner as the English Rifle Companies, viz. in green. Whatever your determination may be, however, on this subject, I beg leave strongly to urge the necessity of immediately forwarding cloathing of some sort to the Corps in question, as they have not received any since they were formed and they are at present very ill off indeed.

8. I beg to refer you to the eighth paragraph of my letter of the 19th February which relates to a corps of Drivers and Horses for the Artillery, established by Sir David Baird, and to request you will favor me, as soon as possible, with the decision of Government upon the subject; as the Board of Ordnance have again written to the Commanding Officer of the Artillery here, disapproving of,

and objecting to bear the expence of this Establishment which I think so essentially necessary.

9. I cannot close this letter without mentioning the support I have at all times received from Mr. Van Ryneveld who holds the situation of Fiscal in this Settlement, and who is, I am convinced, firmly attached to the British Government. It is however unnecessary for me to trouble you more about this Gentleman, whose character you must have heard from Sir James Craig and other Officers who have been in command here.

10. I have to acknowledge the receipt of your letter of the 10th November 1806 in duplicate respecting the arms and accoutrements for the Cape Regiment; of your Dispatch of the 10th December respecting the Judge of the Vice Admiralty Court, as also of that of the 20th December in duplicate respecting the augmentation to the Cape Regiment; all of which letters having been delivered over by me to the Earl of Caledon, His Excellency will no doubt attend to their several contents. I have &c.

(Signed) H. GREY.

[Original.]

*Letter from the EARL OF CALEDON to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CASTLE OF GOOD HOPE, 30th May 1807.

SIR,—I have the honor to acquaint you of my arrival here on the 21st Instant, and of my having upon the following day in presence of the principal Officers Civil and Military taken with due solemnity the Oaths as prescribed by my Instructions.

It gives me Sir particular satisfaction to inform you that it is the opinion of Lieutenant Governor Grey as well as of those Gentlemen with whom I have conversed and who from their relative situations are likely to be well informed that the strongest attachment and respect towards the British nation is the prevailing sentiment of the Dutch Inhabitants.

The early departure of His Majesty's Ship *Antelope* prevents Me from having made myself as yet sufficiently acquainted with

minute transactions, but as far as a general view enables me to judge the affairs of this Settlement appear in a flourishing condition.

I have &c.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to the RIGHT HONOURABLE WILLIAM WINDHAM.

CASTLE OF GOOD HOPE, 30th May 1807.

SIR,—I have the honor to transmit Copies of the several Proclamations and notices that have been Issued since my arrival in this Settlement.

The Accounts and Proclamations previous to my taking upon Me the administration of the Government are forwarded by Lieutenant Governor Grey. I have &c.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to the RIGHT HONOURABLE WILLIAM WINDHAM.

CASTLE OF GOOD HOPE, 30th May 1807.

SIR,—I beg leave to call your early attention to a subject upon which I request instructions.

According to the existing Laws of this Settlement appeals may be had in criminal cases, but the power with which I am vested only authorizes me to form a Court of Civil Jurisdiction.

Criminal cases in this Colony are prosecuted agreeable to a special Law established in the year 1570 by Philip King of Spain, then Sovereign of Holland.

There are two modes of proceeding in criminal cases, the one when the accused confesses the crime, or that He is fully convicted

by Evidence, in this no appeal may be lodged, the other when the accused does not confess the crime and the Evidence is doubtful, then the Prisoner is allowed Council for His defence and from sentence so passed appeals may be prosecuted.

The one is called the *Ordinary*, the other the *Extraordinary* Process, and both are founded on the 7th, 32nd, and 35th Articles of the Law before mentioned.

Appeals under the Dutch Government were formerly made to Batavia, and latterly to the High Court of Appeals in Holland. No circumstance occurred during the time the Colony was a British possession which required the erection of such a court, or a reference home for instructions, in one instance however when it was likely to have happened, My Lord Macartney felt considerable embarrassment, from which He was accidentally relieved by the escape of the Prisoner.

It now remains for decision whether it will be His Majesty's pleasure that such appeals should be made to His Majesty in Council, or that additional powers shall be granted to me for erecting a Court competent to try Appeals in criminal cases.

I would not thus early solicit instructions, were it not that a cause is coming on in which it is probable that the Prisoner will claim the usage observed on such occasions. I have &c.

(Signed) CALEDON.

[Original.]

Memorial of MR. ALEXANDER TENNANT.

To the RIGHT HONORABLE WILLIAM WINDHAM, One of His Majesty's Principal Secretaries of State, &c., &c., &c. The Humble Petition of ALEXANDER TENNANT Most humbly sheweth

That your Memorialist has resided in this Colony nearly eleven years, that he was born a British Subject, and never has been a Burgher or Citizen of any other Country.

That in the year 1803 your Memorialist with all his countrymen then in this Colony were declared State Prisoners, and as such ordered into the interior, under strict guard. After six months confinement in the interior, they were permitted to return to the

Capital, during this period several of his Countrymen were reduced to extreme indigence and distress, some of whom your Memorialist supported at his own personal expence, that shortly after their release a French Privateer called the *Napoleon* brought into Simon's Bay the Prisoners of the Honorable East India Company's Extra Ship *Experiment*, on hearing these Prisoners were to be sent into the interior there to remain in Gaol during the present War, your Memorialist applied to the Dutch Government for Permission to have these Prisoners exchanged, and the more to facilitate this he offered to send them away at his own expence, which was at last complied with after your Memorialist's giving the French agent here Security that each should be exchanged for a French Prisoner according to his rank.

Your Memorialist immediately freighted an American Brig to carry these Prisoners to the Island of St. Helena, and that they might not become any burthen to that Island he laid in sufficient Provisions to carry them to England; on this occasion your Memorialist availed himself of the opportunity of offering a free passage to all those of his poor indigent countrymen who had been reduced to distress from being torn from their industrious callings and sent to confinement in the Country, and he did carry every one (who accepted of his offer) to the Island of St. Helena free of any expence whatever.

Your Memorialist foresaw that if the War continued that this Corner of Africa would become a nest of French Privateers, he represented the same to the Governor of St Helena, who also perfectly agreed with him in opinion, he stated the same to Lord Camden (then in office) and to the Honorable Commission of His Majesty's Transport Board, but never was honored by an answer from either. Unfortunately for your Memorialist His Majesty's Ship *Calcutta* was taken in defence of her Convoy, and all his original Papers by her were lost, amongst these were the strongest recommendation of Governor Patton to the Honorable Company and Captain Woodriffe to the Transport Board.

The Day your Memorialist arrived from St. Helena Admiral Linois brought the Prisoners of the Honorable Company's Ship *Brunswick* into Simon's Bay, after much delay and evasion on the part of Admiral Linois he procured these Prisoners and sent them also to St. Helena, and after them the Prisoners of the Ships *Hercules* and *Diamond*.

Your Memorialist has disbursed Two Thousand one hundred and seventy two pounds and two shillings sterling for the Officers and Crew of the Honorable Company's Ship *Experiment*, Two Thousand eight hundred and seventy five pounds fourteen shillings and two pence sterling for the Officers and Crew of the Honorable Company's Ship *Brunswick*, and for the Officers and Crews of the Ships *Hercules* and *Diamond* Six hundred and twenty pounds sixteen shillings and two pence sterling, for all of which he has regular Vouchers properly authenticated, and all of which have been regularly transmitted to the Honorable Commissioners of His Majesty's Transport Board and for the Care and Custody of Prisoners of War, from whom your Memorialist has not been able to procure any other answer through his agent than that there was no precedent for it, and that therefore it would not be paid.

Your Memorialist has taken the liberty of laying the whole of these circumstances before His Excellency the Right Honorable Earl of Caledon, who has been pleased to recommend your Memorialist to represent the same to you, being one of His Majesty's Principal Secretaries of State.

Your Memorialist therefore humbly requests you will be pleased to take the same into Consideration and procure him relief and Payment of the aforesaid Disbursements to his agent Mr. Henry Houghton in any way that you in your Wisdom shall see proper.

And your Memorialist as in duty bound will ever pray.

Cape of Good Hope, May 30, 1807.

(Signed) ALEX. TENNANT.

[Original.]

*Letter from the EARL OF CALEDON to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CASTLE OF GOOD HOPE, 30th May 1807.

SIR,—The paper which accompanies this is a memorial from Mr. Alexander Tennant a merchant of Cape Town.

The case as far as I have been able to collect information is correctly stated and appears to be one of singular and considerable hardship, as such I feel confident that you will have the goodness to take it into consideration. I have &c.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to SIR GEORGE SHEE.

CAPE OF GOOD HOPE, June 1st 1807.

MY DEAR SIR GEORGE,—You will oblige me by enclosing the letters that accompany this to the Persons to whom they are addressed.

I shall send a statement of Baron Van Hogendorp's Claims together with whatever information I can collect upon the subject by a Danish Indiaman that will sail from Simon's Bay in about Ten days.

The Danish Indiaman was boarded off the Cape by the *Piedmontese* Frigate, all the English Passengers (amongst others General Nicholls) were taken Prisoners but afterwards liberated upon parole. Sir John Cradock had taken his passage in the *Asia* and we daily expect his arrival here. At all times &c.

(Signed) CALEDON.

[Office Copy.]

Letter from MR. EDWARD COOKE to the EARL OF CALEDON.

DOWNING STREET, 3 June 1807.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship, that he has given permission to the Bearers, Messrs. T. S. Meyer and P. T. Couperus, to proceed to the Cape of Good Hope on their way to the Danish East India Settlement of Tranquebar. I have etc.

(Signed) EDW^d COOKE.

[Original.]

Letter from MR. ALEXANDER FRASER to EDWARD COOKE, ESQRE.

LINCOLN'S INN, 5th June 1807.

SIR,—I beg leave to acquaint you for the information of Lord Castlereagh That on the 17th day of March Mr. Alexander

Davison presented to The Board of Ordnance an Instrument bearing date the preceding day and purporting to be a Grant of The Cape of Good Hope Prize Money under the Royal Sign Manual and That after some weeks solicitation The Board were induced to make an order for payment of £50,000, part of the sum of £119,000 condemned, to Mr. Alexander Davison in whose hands the same now remains undistributed.

I beg leave also to call his Attention to the Circumstance of there being no Vestige in his Office of any such Grant having passed through the proper department or of being entered or delivered out of it under any Official Authority. The Draught of the Grant was transmitted from the Council Office to that of Mr. Secretary Windham on the 11th of March and if its progress and Completion so far as to have His Majesty's sign manual Affixed on the 16th cannot be accounted for by Official Documents, It will be an act of Justice to Gen. Beresford and the other parties injured by such Conduct to trace the matter to its source.

I have etc.

(Signed) ALEX. FRASER.

[Original.]

*Letter from the EARL OF CALEDON to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CASTLE OF GOOD HOPE, 7th of June 1807.

SIR,—My examination into the circumstances respecting the Commission of Agriculture led to other matter, which I think it my duty to lay before you.

The Batavian Government, according to a Proclamation bearing date of 30th September 1804, issued four sums of Paper Money viz :—

75,000 Rixdollars for relieving the Inhabitants of Stellenbosch from their sufferings by Fire,

50,000 Rixdollars to the Drosties of Uitenhagen and Tulbagh for constructing publick Buildings, *i.e.* 25,000 Rixdollars to each,

25,000 Rixdollars to the Commission of Agriculture,

150,000 Rixdollars for the purpose of creating Granaries, a Hall

of Justice and Prisons, making in the whole amount the sum of 300,000 Rixdollars.

These sums were issued as loans, for which the parties were to pay, for the first three sums four per cent annually, for the two last five per cent; and that the paper currency might not be much depreciated by so great an additional issue, it was by the same proclamation provided that the money so repaid should be destroyed upon the 1st of October annually, by which means in the space of 25 years the paper money would have reverted to its former standard; but here I think it necessary to observe that the Batavian Government does not appear to have had in view that public faith which the Proclamation professes; on the contrary the Building of Granaries, Government Houses and Prisons never would repay the five per cent which was expected nor was the tryal seriously intended. The last mentioned sum of Rixdollars 150,000, together with the greater proportion of the intended supply to the Drosties, were converted into a Military Chest and became as such the booty of the captors.

Application being made by the Commissioners of Agriculture for a further supply, the Government acceded to their request, and the additional sum of 25,000 Rixdollars was to have been issued; but the immediate wants of the Commission being pressing, 10,000 Rixdollars were advanced in Loan by the Orphan Chamber under the guarantee of Government, which loan would have been repaid out of 25,000 Rixdollars when stamped and issued, had not the Settlement surrendered.

It does not appear that any written bond was entered into for the repayment of these Loans, but it was understood by the Commissioners that their stock and land were the Security to Government.

When His Majesty's Forces took possession of Cape Town, it happened that the Rixdollars 3,000, being the first annual instalment paid by the Inhabitants of Stellenbosch, were then lodged in the Chamber of Finance for the purpose of being destroyed; this Sum together with the sum of 25,000 Rixdollars, being the amount at which the stock of the Agricultural Committee was valued, was seized as prize property and lodged in the hands of the Agent.

Under such circumstances I entertain considerable doubts how far the Captors are entitled to remuneration, especially for the

Money lodged by the Inhabitants of Stellenbosch; in some other points their claims appear to have a less just foundation.

The enclosure No. 1 is a List of debts due by several Inhabitants to Government and which, as is seen by the account, are not payable until a future period; these debts, the produce of Land, were sold for the benefit of the captors.

Enclosure No. 2 a List of the Sums received and claimed by the Prize Agents.

Enclosure No. 3. The opinion and remonstrances of the Fiscal, as President of the Agricultural society.

Enclosure No. 4. The Proclamation of the late Batavian Government.

Enclosure No. 5. Account of Money stamped and issued by the late Batavian Government for temporary purposes.

I have briefly stated these matters, judging that the accounts and documents annexed will more effectually explain the nature of the transactions. In the mean while I have felt it my duty to direct the Prize Agent to repay what remains in his hands of the supposed Prize property into the office of the Receiver General until I am made acquainted with His Majesty's pleasure respecting it. In so doing I have in some measure been guided by a Letter from Lord Macartney to a Prize Agent upon a question very similar and which I beg to refer to (enclosure No. 6) attaching to it a letter from the late Acting Colonial Secretary, by which it will appear how different were the opinions upon this subject. If my judgment proves erroneous, I shall greatly regret the delay that will be occasioned, but I trust His Majesty's Ministers will think me justified in the Precautionary Measures which I have adopted. I have &c.

(Signed) CALEDON.

[Enclosure No. 1 in the above.]

Debts becoming payable at a later date.

(A list of names is given, which includes Jan Hoetz, balance due for the farm Rondeboschje, Dirk Gysbert van Reenen, for Paarden Island, F. Venables and W. Duckitt, for the farm Paradise, J. F. Kleinwerk, for the Reformed Parsonage House, and several others, the total amount being Rixdollars 79,769-26.)

[Enclosure No. 2 in the above.]

Account of Monies received and to be received by the Prize Agents.

	Paper Money Rds.	St.	Spanish Dollars
Amount in the Treasury at the Surrender	40,443	0	844
Amount of what had previously to that period been taken out of the Treasury and divided among some Individuals under Government, but afterwards recovered by the Prize Agents, 6,000 Rixdollars and 2,000 Spanish Dollars only excepted, which, being deducted from Rixdollars 81,500 and Spanish Dollars 37,599, as the whole of what had been so taken, make the Balance received by the Prize Agents amount to	75,500	0	35,599
Amount of the Arrears of Land Rents due to Government up to the 10th of January 1806 which were not at the time of the Surrender in the Treasury but were afterwards paid into it, claimed and received by the Prize Agents out of the same	11,446	20	
Arrears of Land Rents due to Government up to the 10th January 1806 paid to the Prize Agents by the Collector of Land Revenues	30,205	34	
Amount of Arrears of Land Rents due to Government up to the 10th of January 1806 still to be received by the Prize Agents	45,111	24	
Amount of Debts due to Government and payable at a later period than the Surrender but which were claimed and received by the Prize Agents	79,769	0	
Total	282,475	30	36,443
Deduct Debts due by the Batavian Government and paid by the Prize Agents	73,867	0	
Balance in favour of the Prize Agents	208,608	30	36,443

[Enclosure No. 3 in the above.]

See page 415, Vol. V.

[Enclosure No. 4 in the above.]

Proclamation by J. W. JANSSENS, Govenor General in Chief.

Whereas the public faith of the Batavian Government absolutely requires that the Inhabitants of this Settlement should always be

informed of the amount of the Paper Money in Circulation as well as of the real causes which may have led to increase the quantity of the same, we have therefore thought it proper to acquaint the Public, viz. :

1. That the Commissioner General J. A. de Mist, by a Resolution of the 30th of March and Letter of the 14th April last, has been pleased to authorize us to advance out of the Colonial Treasury the following Sums and for the following purposes :

A. 75,000 Rixdollars to such of the Inhabitants of Stellenbosch as have suffered by the late Conflagration, in order to enable them to rebuild their Houses and to buy again the necessary Tools to carry on their several Trades.

B. 50,000 Rixdollars to the new Drosties of Uitenhage and Tulbagh, for the purpose of having proper Buildings constructed for the Landdrosts, Secretaries, &c.

C. 25,000 Rixdollars to the Agricultural Committee, in order to enable them effectually to improve Agriculture and Cattlebreeding.

Constituting a Sum of 150,000 Rixdollars.

2. That as it is highly necessary for Government to cause Grain Magazines and also a proper Hall of Justice and Prisons to be constructed, we have therefore by a Resolution of the 8th of August last determined likewise to allow out of the Colonial Treasury a Sum of 150,000 Rixdollars for that important purpose.

3. That as the state of the said Treasury does by no means afford these advances amounting to Rds. 300,000, we have therefore, with the approbation of the said Commissioner General resolved on an additional issue of Paper Currency to enable the Colonial Treasury to furnish the aforesaid several Sums.

4. That the said 300,000 Rixdollars are to be printed, stamped, and signed in the same manner as the former issue, so that the same are to be considered as an increase of the amount of Paper Money in Circulation in the Settlement, but not as a Currency different from the other.

5. That the new Paper Money is to consist of the following pieces, Letters, Numbers, and Signatures, viz.

6. That altho' the public faith of a benevolent Government ought to be the best Security for all their Transactions, the Governor and Council have nevertheless thought proper to give to the Inhabitants a more special Security respecting this increase of the quantity of Paper Currency.

7. That, to that effect, independently of the General Security of public faith which is inherent in the Batavian Government there shall especially be mortgaged for the said Sum, viz. :

A, for the first mentioned sum of 75,000 Rixdollars all the Houses in the Village Stellenbosch rebuilt for this Sum, with all the Ground, Land and Gardens on and in which they stand.

B, for the Sum of 50,000 Rixdollars destined to the erection of the necessary public Buildings at the Drosties Uitenhagen and Tulbagh, all these Buildings as well as the Lands that belong to the same, each of these Drosties being considered as charged with the half or 25,000 Rixdollars.

C, for the Sum of 25,000 Rixdollars advanced to the Agricultural Commission for the improvement of Agriculture and Cattlebreeding, all the Goods, Effects and Cattle belonging to that Establishment.

D, for the last mentioned Sum of 150,000 Rixdollars stamped for the erection of Grain Magazines, Prisons, &c., all those Buildings, with the Lands on which they shall be constructed, as well as the Buildings belonging at present to the Department of Justice with their Lands, and finally the Ground on which the Grain Magazines and Winestores of the late East India Company formerly were standing.

8. That, independently of these Securities, Four per Cent of the three first mentioned Sums and Five per Cent of the two last mentioned Sums shall annually at the 1st day of October publickly and with the usual Solemnities be burnt and destroyed.

9. That, should any of the aforesaid Buildings, Lands, &c. in the mean while be sold, the whole of the produce of such Sale shall immediately be burnt and destroyed, independently of the yearly burning and destroying of the aforesaid 4 à 5 per Cent, which shall regularly be continued even as if the amount of the Capital had not been reduced by the said Sale.

And that no Person may be able to plead ignorance, these presents shall be published and stuck up in the usual manner and places.

Thus Done by Governor and the Council in the Castle of Good Hope, 30th September 1804, and published on the 5th October following.

(Signed) J. W. JANSSENS.

[Translation.]

Memorial of CHARLES, BARON VAN HOGENDORP.

Four years ago I formed the plan of peopling a territory of some extent in the Colony of the Cape of Good Hope, with industrious Europeans, and of securing a vent for their produce by means of a regulated communication between this new settlement, the mother country, and the East Indies.

With this view I fixed upon a part of the coast near Plettenberg Bay, as combining the following important advantages: 1. The *Navigation* is as commodious as at Cape Town. 2. The *Soil* is more fertile. 3. The *Woods* are not cleared and there are *Minerals*. 4. At this distance from the Cape *Slavery* is unknown, and I had reason to expect that my colonists would find it unnecessary. 5. I could easily purchase the property of the very few planters who were settled there, and whose departure would be quite necessary in order to remove the contagion of bad society, and particularly of Slaves, from my own Colonists.

It was not my intention to undertake any considerable agricultural speculations on my own Account, but to encourage those of my colonists. I purposed to distribute among them little estates, from thirty to a hundred acres in extent, according to the nature of the land. I meant to have advanced them the necessary stock, to have received a rent in annual produce. At the end of 25 years they were to have the power of redeeming this rent. Thus from the beginning they would have been proprietors, but under an obligation of paying a quit-rent. At the expiration of the above term they became absolute proprietors.

I purposed to cultivate on my own account a limited portion of the territory, with the view of having employment and subsistence ready for the new Colonists who should be sent out yearly. I intended also to have settled in that part the artizans who were to supply my colonists with tools and furniture, and to have erected a warehouse for the reception both of African produce and of European and East Indian Merchandise. In this manner a village would gradually have been raised, which in time might have become a town.

At the period when I formed this plan, the system of administration laid down by our Government for the Cape was perfectly

well calculated to favour the success of my undertaking. The nature of that system was officially communicated to me, and an offer was made of free passages to my Colonists, until I should be able to establish a regulated mode of intercourse with the Settlement. I asked no farther encouragement, and the only condition I made was: "Adhere to your system of Colonial policy such as you have described it to me."

The Commissary General and the Governor, on their part, were loud in their praises of my undertaking, and earnestly declared that they had nothing so much at heart as its success. They continued to make the same professions for more than two years, although the extreme slowness with which they proceeded to assign me a district of territory seemed but little conformable to their protestations. At length they altered their language and conduct, they stated their conviction that my scheme was impracticable, they revoked the cession of land near Plettenberg Bay, and assigned me a district three leagues from Cape Town, near Houtbaai. They informed me at the same time that my first care should be to purchase slaves immediately.

A man of honour had only one part to take, without the sacrifice of his principles. I saw my undertaking ruined by those who had charged themselves with the support of it. I was offered, in exchange, a concern of a totally different nature, a speculation in fact of the ordinary description of those which are carried on at the Cape, and are the ruin of that fine Colony. It had been my wish, on the contrary, to introduce a new system, with the aid of the new policy which had been adopted. I desisted therefore from the farther prosecution of my design. I offered my land for sale to the Government at home, and confined my claims to a compensation for my expences. While this offer was under consideration, the Cape was taken by the English.

In the succinct statement which I have now given, I have omitted a great variety of details, which under other circumstances would have had their value. I have said nothing of the different productions which it was my intention to cultivate, of a grand Saw Mill which I had caused to be made under my own inspection, of the artizans whom I had hired to erect and manage it in the colony, of a fine and numerous flock of Spanish sheep which I am rearing for the yearly supply of the settlement, of the offers which I have received and closed with, from various persons of

industrious habits and of a certain rank in life, who have been desirous of settling in my colony, some immediately, others at the termination of the war, of the assistance which I had secured from the Missionaries in attracting the free Hottentots to the settlement, and civilizing them. Neither have I alluded to considerable embarkations which I have made both of colonists and stores, and the greater part of which has been lost in two shipwrecks. At present it is enough to mention these particulars, since all my exertions have been frustrated by the conduct of those who once entertained the same views with myself.

It may perhaps be asked, to what this change on the part of the government was owing, and why those persons who were sent out for the purpose of introducing a liberal system of administration should all at once have fallen into the views of the narrow and exclusive policy ? Two circumstances occur to explain this matter. The one is the opposition of a thousand contending and individual interests in Cape Town, the inhabitants of which pretended that my settlement would ruin their town, the other circumstance is the frequent changes which have taken place in the government and councils of the Republick. Before a new government can be informed, or make up its mind at home relative to these affairs, the government at the Cape has carried its unfavourable views into effect. It is in this way that my colonists have been corrupted by their residence in Cape Town and the neighbourhood, because the district which had been assigned at a hundred leagues distance was taken back. It is in this way that the first assortment of husbandry implements was kept two years in a warehouse at the Cape, because the land was during that period withheld.

It may further be asked why I do not now make application to the English government, to obtain the district in question, more especially as there is reason to believe that that government will pursue the same principles in the management of the colony which had regulated me in the formation of my plan. I answer that the fate of the colony is uncertain, and that it was restored at the last peace, that if my undertaking was hazardous, during peace, and with the concurrence, nay the warm support of my own government, it would be utterly rash during a war, which rages over all the seas, and particularly in those near the Cape. I may add, that I have already incurred a great expence, of which I have obtained

no reimbursement and that until such reimbursement shall be made, it would be improper to advance any further sums. Any one of these considerations is sufficient, at the present moment, to extinguish all inclination for resuming my enterprize. Nothing remains now but to attempt bringing it to a termination in the manner least burthensome, according to the instructions which I have sent to my agents, and solicit the English Government that it may be pleased to assist those agents in making good the just claims with which they are charged. I shall therefore mention the principal points of these Instructions :—

1. It is proposed to liberate my colonists from the engagements which they have come under to me. I have advanced them sums of money and carried them to the Cape. They are bound by contract to serve me some years for a certain hire, and at the expiration of this period they are to settle on my lands upon the favourable terms above explained. As labourers and artizans they are in great request at the Cape, and attempts have accordingly been made to entice them from me. This is strictly forbidden by a law made expressly in my favour. Now, I am desirous of complying with the wishes of the old proprietors to take these colonists into their service, and also with the wishes of the Colonists themselves to seek a service more lucrative than mine. I am willing that my colonists should, by mutual consent, leave me for other masters, but I have also a right to expect that those other masters should repay me the sums which I have advanced in carrying over the colonists. This arrangement is but just towards me, and it is certainly advantageous to all the other parties. I cannot imagine that the conquest of the settlement can have freed my colonists from their engagements or authorized any other persons to entice them away. I have, therefore, to request that the English government would support my agents in enforcing my rights, and allow them to enter into new engagements with my colonists for the purpose of annulling the former ones.

2. Having no further use for my effects in the Cape, I wish only to sell them and draw whatever they shall bring. This seems to be matter of easy arrangement.

3. The lands which were given me in lieu of those assigned to me at Plettenberg Bay are worth something, and such persons as have not the same objections which I have to cultivate them by means of slaves will pay the full price of them. I have ordered

my agents to lay out no money on these lands, unless in so far as a trifling sum may be required for keeping up their value. I have also desired a valuation to be made, in order to lay it before my government, and obtain permission to accept the sum which the sale might be supposed to produce, as part of the reimbursement due to me. I conceive that the English government might facilitate this sale by freeing the purchaser from certain restrictions under which the lands were granted to me, restrictions altogether contrary to the intentions of my government, as may be seen by that article of the capitulation in which the governor admits that certain rights and privileges were to have been conferred upon me.

These are the only favours which I have to solicit. My principal agent in the Colony is Mr. Beelaerts van Blokland, who belongs to one of the first families in Holland, who fills a distinguished office, and is a person of most unblemished reputation. He will certainly make no demand in my name which is not perfectly reasonable and fair.

NOTE.—The above memorial was transmitted above fifteen months ago, but by some accident it miscarried. Since that time a few additional observations have been sent over by Baron van Hogendorp relative to each of the three points specified in the Memorial, occasioned by what has occurred at the Cape in the interval. These are as follows :—

1. My agents (he says) write, that my colonists no longer consider themselves to be bound by their engagements ; and they advise me to apply to the English Government, from whence I conclude that their representations are not attended to at the Cape.

2. My agents do not remit the produce of the sale of my effects, owing to the difficulty of procuring bills, and the low rate of exchange. Perhaps the government might give them paper at an ordinary rate of exchange.

3. My colonists have been driven away from Houtbaai to their own loss as well as mine. To their loss, because the purchaser of the land might have left them there, or made some fair arrangement with them. To my loss, because I purposed to sell this property. Indeed, this act of authority is in direct violation of the Capitulation, which guarantees private property, and which, if it grants me nothing new, at least leaves me what I had before.

[Original.]

Some Account of BARON HOGENDORP and his Plan, illustrative of his Memorial lately delivered at LORD CASTLEREAGH's Office.

Baron Hogendorp is a Gentleman of a very ancient & noble family in the Province of Holland. He was educated like many of the Dutch Nobility who were averse to Commerce in the Prussian Service, and returning to his own country, soon rose to a distinguished Rank in the State, filling at a very early age the place of Grand Pensionary of Rotterdam. He was closely attached (like the rest of his family, except his youngest Brother, lately ambassador at St. Petersburgh, and now Minister at War) to the Stadholder's Party, and went into Retirement at the Revolution of 1794, giving up at an early age, & with the fairest Prospects, all ambitious Views ; and devoting himself to literary Pursuits and the Education of his children. From this Retirement he has never, by the most tempting offers, been for an instant allured, and even in 1801, when a Union of Parties was formed, and almost all the Orange Partisans came forward to the public service, he could by no Inducement be prevailed upon to take part in a Government, the radical principles of which he disapproved, although from his Talents and Influence the highest Situations were at his Command. Since that time he has frequently exposed himself to imminent Danger by the freedom of his Counsels & Remonstrances to the existing Government, in consequence of the different Acts of Impolicy or Oppression, which the French Influence has forced upon them. In all other respects he has lived the Life of a retired & studious Man.

The chief Object of his Studies has been political Science and, as was natural for a good Dutchman, those parts of the Science more especially attracted his notice which were connected with Colonial affairs. He long ago formed the Plan of aiding the Cultivation of the Dutch Colony at the Cape by establishing on right principles a new and extensive Settlement. In order to qualify himself for this Undertaking, he began by diligently studying all those Arts with which the Planter of a new Colony ought to be practically conversant : Agriculture in all its branches, Mechanics, Navigation &c. After making himself Master of these, in order to examine minutely the progress of new Plantations, he

went to North America, and travelled over the greater part of the United States, particularly the back Settlements. During this Expedition he twice suffered shipwreck. Upon his Return he set about his Plan, and opened a mercantile Counting House in order to facilitate its Execution.

To enter into a minute Detail of Baron H's plan might be a trespass on your Lordship's time; but it is proper to state its general Object and leading features. Baron H. having Witnessed the Effects, precarious to all Parties, of the system usually pursued by the Settlers in the Country round the Cape of Good Hope (for a melancholy confirmation of this assertion it may be sufficient to refer to Mr. Barrow's Work) proposed, in a favourable Situation (Plettenberg's Bay) in point of Wood, Water, Salt, Minerals &c, to form a New Colony of free settlers, the distance being sufficiently great to keep it a distinct settlement. He intended not to enter into any large agricultural Speculations on his own Account, but to encourage the formation of numerous small settlements by grants to Individuals of from 30 to 100 Acres, according to Circumstances, for which they were to pay a Rent in produce for about twenty-five years, being then allowed to become, on easy terms, absolute Proprietors of the land. He meant to establish Artizans of all kinds, to build Warehouses etc., & by degrees make his Colony a commercial settlement, both for African Productions & for the Manufactures of Europe & the Indies. He made great & expensive Preparations for carrying his Plan into Effect, nearly completed a Mill on a large scale for cutting Wood, carried over great Quantities of stores of all kinds, procured a large flock of Spanish Sheep, &c., &c., & expended almost his whole fortune, I am assured as much as £20,000 Sterling, in addition to unspeakable trouble and great Danger. He was at first favoured by the Dutch Government to the utmost of his wishes, & was offered a free Passage for his Colonists, until he should be able to establish some proper mode for carrying them over. But the favourable Dispositions of the Government at home were thwarted by the Government abroad (though it had originally professed the utmost Admiration of his Plan), which was extremely jealous of his Undertaking, and wished him to change it for a settlement to be formed by Slaves in the ordinary way, a system abundantly proved by Experience at the Cape to be productive of innumerable Evils both of a public & private

Nature. Having understood that it was the Intention of our own Government to encourage at the Cape the system of Cultivation by Free men, I own I was in hopes that Baron H. would have been willing to resume his undertaking, and prosecute it under happier Auspices. He has been deterred however from so doing by various Considerations, among which one appears to be the Recollection that at the last Peace the Cape was returned to its old Proprietors, & the last Memorial shews within what narrow limits his Expectations are now confined.

[Original.]

*Letter from the EARL OF CALEDON to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CASTLE OF GOOD HOPE, 7th of June 1807.

SIR,—According to the directions I had the honor of receiving from you previous to my leaving England, I have enquired into the circumstances of the Memorial delivered to you by Mr. Broughton in behalf of the Baron van Hogendorp and have now to report to you that I find that part of the Memorial is incorrect in which it is stated, that "He received a considerable grant of Land and Colonized it at a very great expence," for it appears by the enclosure No. 1 which is an Extract of the Resolution of the Governor & Council respecting the Baron's plan of Colonisation, that altho' it was resolved that he should have a grant of Land, it was nevertheless to have been submitted to their "Government at Home for a final determination," it however appears upon examining the Books in the Secretary's Office, that no grant of Land had been made altho a considerable tract of Land, situated at Hout bay had been fixed upon & marked out for that purpose, but had not been measured, nor a Diagram made of it by the Surveyor of Government which is the custom of the colony previous to a Grant of Land being completed. With respect to another Article in the Memorial, stating that General Baird had in the "meantime, and without the smallest pretext for such a Measure, seized upon his the Baron's property and taken possession of the Land itself, turning out all the Colonists," it will plainly

appear by No. 2 which is a Copy of a letter addressed to the Agents here of the Baron from the Inspector of the Government Land and Woods, written by order of General Baird, that no expence whatever had been incurred by the Memorialist in taking possession of the Land in question, and that only one servant of the Baron was on the spot, and he lived in a hut belonging to Government, and supported himself by cutting and selling Wood the property of Government.

It is true that the Baron has been at very considerable expence in sending out People to cultivate and to form a settlement on the Land which he expected would have been granted him and the Sum he expended in forwarding the execution of the Plan, amounts to Dutch Guilders 59,993-9, or £5194-4, but very few of those Settlers arrived here, and the total amount of the expences incurred on his account in this Colony appears by his agents' books, of which the inclosure No. 3 is an Extract, to have been Guilders 19036-19 or £1648-4, the remaining Sum of 40,956 Guilders or £3546 was expended by the Baron himself or by his Agents in Holland.

I find that a portion of the land which would have been granted to the Baron by the Batavian Government to the extent of 152 Acres, has been given in property since the surrender of the Colony by Sir David Baird viz. to Mr. Grand 122 Acres, and to another person named Duriez 30 Acres; the remaining part which is very Considerable continues still unoccupied.

From all the information I have been able to get on the subject, it does not appear to me that the Baron van Hogendorp has any claims on the British Government, His losses having been occasioned by a Speculation of a Private Nature and the Answer to the 11th Article of the Capitulation which is contained in inclosure No. 1 refuses to admit of them, but "leaves them entirely to the Discretion of the future British Governors or Commanders."

The enclosure No. 4 is Mr. Brougham's Memorial which I return, having I hope fulfilled the object you had in view when you gave it into my hands. I have etc.

(Signed) CALEDON.

[Enclosure No. 1 in the above.]

Abstract from a Resolution passed by the Governor and Counsellors, dated 24th August 1804.

The Governor and Counsellors have passed a Resolution, dated 24th August 1804, to transmit Baron Hogendorp's Plan of Colonisation, with the Council's remarks on the same, to the Government at home for a final determination thereon, and in the meanwhile a piece of Land situated at Hout Bay, to be pointed out by the Inspector of Government Lands and Woods, and to be from time to time extended in proportion as the means of cultivation arrives from Europe on Baron Hogendorp's account, will be granted to him in perpetuity, on the following restrictions, viz.: 1st that the present proprietor of Lands at Houtbay shall not be injured by the said Grant.

2nd that the whole of the Strand and the necessary territory for the defence of Hout bay shall be excluded from the said Grant, and also such Woodlands as are required for the use of Government, the Hout bay being an essential Military Post, no hindrance is therefore to take place to the defence thereof.

3rd that the Roads leading from the said Bay to Cape Town shall be made so as Government shall think most serviceable to the Public, and for the defence of the said Bay.

4th that the exact Limits of the said Grant shall be fixed by Government.

5th that these Lands shall not, within the first 25 Years from the date of the Grant, be sold without the consent of Government.

6th that these Lands shall, within the first six years, be cultivated, so far as they may be susceptible thereof, on pain of their becoming again the property of Government.

Abstract of this Resolution is to be delivered to the Colonial Chamber of Accounts and to the Agents of the said Baron Hogendorp.

Article 11th of the Capitulation :

The Baron of Hogendorp having expended a great deal of Money for the execution of Agricultural Plans, he shall be supported by the British Government in carrying his Plans into execution, and the British Government shall grant unto him all

such rights and Privileges as from the public records it shall appear the Batavian government meant to have given.

Answer to the 11th Article :

This Article must be left entirely to the discretion of the future British Governors or Commanders.

[Enclosure No. 2 in the above.]

*To MESSRS. BEELAERTS VAN BLOKLAND & HERMANUS VERMAAK,
Agents to MR. VAN HOGENDORP.*

GENTLEMEN,—I have submitted to His Excellency Sir David Baird K.C. the paper which you were pleased to transmit to me, in order to Constitute the claim of your Constituent towards retaining Possession of the Land which under the Batavian Government he had leave granted to occupy and cultivate at Hout Bay.

His Excellency having duly Considered their Purport and deeming that this Part is comprehended within the express article in the Capitulation with Lieut. General Janssens, which reserves all Mr. Van Hogendorp's Schemes Subject to the future consideration of the British Government, has positively directed the Person deputed by you to be withdrawn from the said occupancy, and in conformity to His Excellency's Decision, I have ordered him away accordingly. I have etc.

(Signed) G. F. GRAND, Insp. of Lands & Woods.

N.B.—The Inspector had been led into a mistake by the Assertion of the Person who had there been stationed, viz. "that he had erected Buildings and brought ground into cultivation etc." For upon a local examination, when the Inspector repaired there to execute in person His Excellency the Lieut. Governor's orders, he found the said European actually inhabiting the Hut of the Overseer stationed at the Government Post of Orange Kloof, and that he had not laboured to bring any Ground whatsoever into cultivation, but drew his subsistence alone from Conveying Brush Wood etc., the property of the Government, into Town.

This was a liberty assumed by him, for the order granting him permission to remain on that Spot in the time of the Dutch

Government restricted him from such Acts, as a Reference to it will, if necessary, confirm.

(Signed) G. F. GRAND, late Inspector of Lands & Woods.

[Enclosure No. 3 in the above.]

The following Expences have been paid by Messrs. G. Beelaerts van Blokland and H. A. Vermaak at the Cape of Good Hope, Agents for Mr. Gysbert Karel van Hogendorp.

		Dutch Guilders
In the year 1803		6,426 14
" 1804		3,178 15
" 1805		6,963 0
" 1806		2,468 10
		<hr/> 19,036 19

Advanced by Mr. Van Hogendorp to Mr. Von Buchenröder for

Agricultural purposes 10,000 0

List of names of Mr. Van Hogendorp's Colonists actually here:

No. 1. Gerardus Bellingam, Agriculturist, with his Wife and
Two Children, an advance made 510 13

2. Nicolaas Akker, Agriculturist, and

3. Klaas Moleman, "

These Three had obtained from the Asiatic Council
free passage to the Cape.

4. Willem Bouwens, Herdsman, for his passage via
America 839 3

5. Balthazar Deschler, Taylor 734 15

6. Lodewyk Gunther, Miller 577 15

7. Hein Homburg, Smith, Wife and Two Children 2,873 10

8. Diederich Havermeyer, Joiner 609 5

9. Carel Ferdinand Hofman, Soapboiler 602 15

10. Carel Muller, Joiner 603 5

11. Hendrik Ludenking, Agriculturist 523 15

12. Bastiaan Reittel, Miller. 594 10

13. Henning Schröder, Mason 800 5

14. Georg Schwartz, Baker. 576 0

15. Coenraad Sabel, Shoemaker, Wife and Child 1,290 17

16. Cornelis Wepperman, Glazier 737 5

17. Johan Peit, Carpenter 500 0

18. Hendrik Weylands, Shoemaker, and Wife 1,053 10

19. Pieter Fleming, Agriculturist 731 12

20. Jacob Burkart, Baker 535 15

21. Charles Loriou, Vintager 1,274 12

Dutch Guilders

There is also here one Mr. W. F. de Haan, who was to act as Bookkeeper, and received for his passage .	1,882	12
List of names of Mr. Van Hogendorp's Colonists, who have also been sent via America, but have not yet arrived here:		
No. 1. Barend BiederhuySEN, Smith, Wife and 4 Children .	996	4
2. Jan Brunings, Herdsman	60	0
3. Godlob Frederich Dorn, Agriculturist	1,300	0
4. Antoine Evrard, Vintager, and Wife	2,038	0
5. Carl Ehlers, Carpenter	156	0
6. J. D. Hartman, Agriculturist	446	0
7. Wibbina Homburg	187	0
8. Jacob Rircher, Shoemaker, and Wife	727	10
9. Willem Lobberegt	883	12
10. Charles Martin Smit	471	0
11. Johan Martin Norrowsky, Agriculturist	426	12
12. Johannes Rentz, Wife and 5 Children	1,466	0
13. Johan Carel Rade, Physician	425	0
14. Thomas Magnus Streck, Agriculturist, Wife and 5 Children	2,722	18
15. Johannes Winterraad, Cooper, Wife and 2 Children .	799	0
	59,993	9

[Enclosure No. 4 in the above.]

To the RIGHT HONOURABLE W. WINDHAM.

Baron Charles van Hogendorp was formerly in the service of the Prince of Orange, and under his government was advanced by means of his own influence to various places of high rank in the constitution of the United provinces. In particular he held the office of Grand Pensionary of Rotterdam. When the revolution of 1794 drove the family of Orange from their Dutch sovereignty, the Baron went into retirement & has since that time lived upon his estates in the province of Holland.

He has uniformly rejected all offers of power which the new government have successively made to him, and has by this steady attachment to the Orange party, as well as by his frequent attempts to forward their interests, not only sacrificed his undoubted pretensions to hold the highest stations in the country, but drawn upon himself the resentment of the revolutionary Magistrates.

Being a man of great literary acquirements, and especially a proficient in the Science of Political Economy, he has devoted his leisure to the composition of various most valuable works on

different branches of that science, but particularly on the subjects connected with Colonies. And being a man of very ample fortune, as well as high rank, he has used the influence derived from these circumstances in promoting the same doctrines by a practical experiment, which he had so ably recommended in his books.

He obtained a considerable grant of land in the Cape territory, and colonized it at a very great expence. He has spent above half of a large fortune in this experiment, having suffered the usual misfortunes attendant on the commencement of such undertakings. An article was inserted in the Capitulation of Jany. 18, 1806, referring to this speculation. Gov. Janssens demanded that the Baron should receive the same encouragement from the British government which the Dutch government should appear to have had in contemplation. The answer was that this must be referred to further consideration, and Gen. Baird declared that he would be regulated by instructions from his Majesty's government at home. The point here at issue was, whether the Baron should receive certain extra encouragements in his undertaking, which he had every reason to hope the justice of the British government would have secured him. But his astonishment was very great to learn that *Gen. Baird had in the meantime, and without the smallest pretext for such a measure, seized upon his property, and taken possession of the very land itself, turning out all the colonists*, and this as an interim proceeding until the answer of the British Government should be received upon the other point of encouragement. One consequence of this act of violence has been that all the Baron's indentured colonists have deserted, pretending that all their obligations are at an end.

I believe it is unnecessary to do more than state this singularly hard case. My apology for troubling you with it at this particular moment is that Lord Caledon may not leave the country before you shall have taken it into consideration. At what time the outrage in question was committed I cannot exactly discover. The Baron's letter to me is dated Nov. 15, but I only received it yesterday.

(Signed) HENRY BROUHAM.

[Original.]

*Letter from the EARL OF CALEDON to the RIGHT HONOURABLE
WILLIAM WINDHAM.*

CASTLE OF GOOD HOPE, 7th of June 1807.

SIR,—Previous to the surrender of this Colony to His Majesty's Arms, the Batavian Government, considering the necessity of Agriculture being encouraged, especially the improvement in the Breed of Cattle and more particularly the introduction of Sheep yielding Wool, established in the year 1804 a Commission consisting of those Gentlemen who were esteemed most conversant in agricultural pursuits, and who actuated by a conviction of the utility of such an establishment to the Colony, performed the duty without Salary or Emolument.

The Commission was charged with all matters relating to Agriculture, and for the purpose of attaining its object, Government granted a tract of Land at Groene Kloof together with the Sum of Rdrs. 25,000, with which fund the Commission was directed to purchase the most approved breeds of Cattle and Sheep.

The Commissioners finding it necessary to erect buildings and employ Herdsman and Slaves made a second application, and were granted in Loan Rdrs. 25,000 from the Orphan Chamber under the guarantee of Government, of which only Rdrs. 10,000 were paid when the British took possession.

The Stock and slaves were in consequence seized as Prize property. The Commissioners however having laid before Sir David Baird a statement of their case, He ordered that the Captors should be remunerated out of the Colonial Treasury, and the concern be considered as the property of the British Government, recommending at the same time to the Commissioners the conservation of their charge until a civil Governor should arrive or orders be received from home respecting their affairs; upon this recommendation the Commissioners still continued to discharge their respective duties.

The cultivation of Grain and improvement of agricultural instruments have likewise constituted part of their researches, nor has the growth of the Vine escaped their attention.

The Commission having appointed a person well acquainted with the Mode of cultivating Vineyards on the Rhine to treat the Vine

according to a New Method, and a Committee from the Commission having reported the success of that Method, I have directed a continuation of his Salary.

In other respects I shall continue the Commission upon the Most œconomical System until I know the pleasure of His Majesty's Ministers respecting such an Establishment.

From the local means I have of judging, I strongly recommend its adoption as particularly conducive to the improvement of the Colony, and if what I have submitted meets with Approbation, I shall observe a just regard to the œconomy of the institution, and from time to time transmit an Account of its Proceedings.

I have etc.

(Signed) CALEDON.

[Original.]

Letter from SIR DAVID BAIRD to VISCOUNT CASTLEREAGH.

HALF MOON STREET, June 11th 1807.

MY LORD,—I have had the Honor of receiving your Lordship's letter of the 19th ultimo with its accompanying copies of two letters respecting the property of a Company formed at the Cape of Good Hope for carrying on a Whale Fishery. In reply to the representations in these letters I have to inform your Lordship that the property in question was seized on the ground of its being liable to confiscation as belonging to a public Trading Company, and in proof of such seizure being warrantable and legal I do myself the Honor to transmit to your Lordship the opinion of the King's Advocate upon this case, when submitted to him from the Cape by the Prize Agent there.

I think it unnecessary further to trouble your Lordship on this subject than to state, that it was by no means the intention of myself, or of those under my orders, to infringe in the smallest degree on the *private* property of any Individuals at the Cape, but to consider it as religiously sacred. I have &c.

(Signed) D. BAIRD.

[Enclosure in the above.]

Case.

The Captors of the Colony and settlement of the Cape of Good Hope found established there a public trading Company called the Chartered African fishing Society, whose property they have seized and disposed of as the property of a public chartered Company and therefore liable to confiscation.

The Paper writing hereunto annexed marked A No. 1 contains an order from the Executive Power of the Batavian Republic (in consequence of the representations of the Legislative Body) to erect and form this Company with exclusive rights to fish &c. at the Cape for 20 years, it contains also the Charter.

The paper writing marked B also hereunto annexed contains a Certificate from the Collector of the Customs that the Utensils &c. brought from Holland to the Cape by the Agents of this Chartered Company were landed Duty free by order of Government.

Your opinion is requested whether the Property, consisting of the Premises and Utensils for carrying on a fishery of the Chartered African fishing Society is liable or not to confiscation.

Opinion.

The Prize Act gives to Captors any Arms, Ammunition, Stores of War, Goods, Merchandise and Treasure belonging to the state or to any Public Trading Company of the Enemy taken upon Land. It seems to me that the Property of the African Fishing Society of the above Description is Prize to the Captors. But I think that Buildings and Premises would not come within the Description, and if to be taken Possession of, they would still belong to the Crown, as not granted to the Captors.

(Signed) J. NICHOLL.

[Original.]

Letter from the EARL OF CALEDON to the RIGHT HONOURABLE WILLIAM WINDHAM.

CASTLE OF GOOD HOPE, June 15th 1807.

SIR,—Your letter of the 31st January respecting the petition of Mr. Hermanus Vos to the Lords of the Trade and Plantation on

the part of the chartered African Company of Whale Fishers, directed me to inform myself of all the particulars connected with the object in question, and to "report to you my opinion as early as possible touching the permanent plan or system for carrying on the said Fishery, which may be most proper to be adopted."

In compliance with these directions, I am to state that about the year 1789 two Merchants of the Cape, Messrs Fehrson & Truter, began under the sanction of Government to kill Whales. In the year 1791 they formed a society with a regular permission from the Governor and Council, and in the year 1793 Messrs. Nederburg and Vrykenius, sent out as Commissioners General to inspect and regulate the East India Company's Affairs, granted priviledges of Navigation and Whale Fishery to the Colony in General; at the same time confirming to Messrs. Fehrson & Truter the permission which they had obtained in 1793. Messrs. Fehrson & Co. continued the Fishery until 1798, when the whole concern was purchased at a public sale by an English Merchant named John Murray.

At the commencement of the year 1803, when the Batavian Government had obtained actual possession of the Colony, Three Dutch Merchants arrived at the Cape from Holland in a ship of their own, and produced a charter granted by the Executive Council of the Batavian Republic to a Body styling themselves the chartered African Company, in which the exclusive right of fishing in the Bays within the limits of the Colony, as well as the different priviledges set forth in the first of Mr. Vos's Memorial, were granted.

Mr. Murray was in consequence obliged to desist from fishing, and with the powers already mentioned the Company commenced their undertaking. It does not, however, appear that the Cape received any benefit, nor could the Inhabitants consider such an establishment as tending to the Welfare of the Settlement at large, on the contrary, although it is stated in the petition that "subscriptions were received from all Quarters of the Globe" not an individual here entered into the society except Mr. Murray, who was under the necessity of taking 23 shares in part of payment due to him by the Company for the purchase of His fishing implements.

This failure I conceive to have been caused by a Want of confidence in those who already formed the Company, and the ap-

parent ignorance of the people who came out for the purpose of fishing.

Shortly after the surrender of the Cape to His Majesty's Arms, Mr. Murray again commenced fishing in Table Bay under the sanction of Sir David Baird, and leave was likewise given to Mr Cloete for a Similar purpose in Simon's Bay. Both undertakings have been attended with success, the former having killed One, the latter 4 fish, although the season has scarcely yet commenced.

Under such circumstances, I trust that it will not be thought adviseable to renew a grant which must of necessity exclude His Majesty's subjects from so important a branch of commerce, and of which, if revived under the former tenure, the Inhabitants of Holland are alone likely to reap the benefit.

What in my judgement would be most advantageous to His Majesty's Subjects in general is, that no exclusive priviledges be granted to any society, on the contrary, that the Fishery should be open to all British Traders, and the enclosed No. 1 will show how far it is deserving of their attention.

I beg leave to offer as a reinark, that the Cape is much deficient in an export trade. Transports and Merchant Vessels commonly return to England in ballast; but, if the Southern Whale Fishers could be induced instead of completing one Cargo of Oil and returning immediately to England, to deposit their first Cargo at the Cape, complete their second, and then return, such a measure would be highly lucrative to all parties, the Vessels that now return unladen would bring home the surplus at little expence, the Cape would become the entrepot, and at the same time the freight from England would be lessened to its Inhabitants, whilst the Mother Country would receive an additional produce from Her Fisheries. I have etc.

(Signed) CALEDON.

[Enclosure No. 1 in the above.]

Memorandum respecting the Whale Fishery at the Cape.

Whales are usually caught in this Colony near and about Dassen Island, from 6 to 10 Vessels of 300 Tons, or thereabouts, may yearly complete their Cargoes there; the best season for fishing is about the Month of February, they then proceed to Saldanha Bay, where they generally catch some in the Months of April and May.

In the beginning of the Winter the Whales usually come into this and Simons Bay; the latter however abounds more with Fish than Tablebay. It has been observed that the Fish in Simonsbay are larger and fatter than in Tablebay. The whales here yield each upon an average 60 Barrels of Oil, in Simonsbay about 70 Barrels. As to Plettenberg's, Mossel, or Algoa Bays, they are not an object of consequence to have Establishments on shore; they may however fish there for a few Months in the Winter off the Coast with success. It is to be remarked that very few Whales of the Male Kind come into the different Bays, mostly females who come for the purpose of calving. In this Bay they can kill from 40 to 50 yearly, everything depends on the season; some Years they catch a great number and some Years but few. Mr. Murray generally caught from 15 to 30, in the Year 1804 he killed and boiled the blubber of 39 Fish, besides 8 which were killed and lost; in that year he could have procured at least 80, but he had not room for keeping the Oil. Messrs. van Hall, Sappe and Muntingh caught the first year, 1805, 11 Whales, and the second 19; they brought with them here such Boats and Instruments as are made use of in the Greenland Fishery, but these were found to be much too heavy, which accounts for the small number taken the first year, but afterwards having procured lighter boats etc., they succeeded better. The Whale Fishery of Fehrsen & Co. continued 8 years, in the beginning it could not be carried on with success for want of Harpooners and good fishermen, they then killed from 12 to 16 Whales yearly, each yielded about 60 Barrels, some more and some less, and about 1000 Pounds Whale Bone. The Whale bone is much shorter and thinner than that of Greenland, the Whales here on an average yield but $\frac{1}{8}$ of what is procured from the Northern Whale. They are the South Sea, Black or right Whale, and measure from 50 to 60 feet, the Cachetot or Spermaceti Whale is to be found 20 Leagues to the Eastward of the Cape.

James Castles, in the employment of Mr. van Hall, says, that in the year 1791 he lay with 32 Sail of Whalers in St. Helena Bay; that his Ship procured in 9 Weeks 1500 Barrels of Oil, and that all the other Ships completed their Cargoes.

Hendrik Bandle, also in the employ of Mr. van Hall, says that in the Year 1790 in St. Helena Bay there were so many Whales that the Americans cut merely their heads off for the Whale bone

and let their carcases with the Blubber float away; that there were about 20 Ships, which procured together about 400 Whales in the course of three Months.

[Enclosure No. 2 in the above.]

The answers to the following Questions were at the request of Mr. Van Ryneveld given by Mr. Truter, Partner in the firm of Fehrsen & Co., and Bookkeeper in that house.

1. How many Whales were on an average yearly caught by the former Whaling Society?

12 were caught by the first Society that existed here under the firm of Fehrsen & Co., of which he was the first Undertaker and Principal, which Company commenced about the Year 1788 or 89.

2d. What sort of Whales are usually caught here?

The small black south sea Whale, known by the name of *Noord Kaper*, the Cachetot or Spermaceti Whale never visit the different bays; they keep themselves from 60 to 70 Miles off, along the Coast in 12 degrees Southern Latitude, from the West Coast by the South to the same Southern Latitude Eastwards, especially in the Straits of Madagascar, where Shoals of 50 or 60 have frequently been seen.

3rd. How many Whales do you suppose can yearly be caught in the different Bays?

On calculation 1350, viz. 150 in Table Bay from the Mouth of the Bay to between Robben and Dassen Islands, if 4 or 5 different fishing Companies were employed, provided they had clever Harpooners, Fishermen, Rowers etc.; 300 in Simonsbay by 6 or 8 different Companies also well provided; 500 in Saldanha and St. Helena Bays by 10 or 12 different Companies; 400 in Algoa or Zwart Kops River bay, Plettenbergs, or Mossel bay, Cape Auguilles included, for 9 Vessels each burthening from 3 to 400 Tons or thereabouts.

[Original.]

Letter from the EARL OF CALEDON to the RIGHT HONOURABLE WILLIAM WINDHAM.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, 16th June 1807.

SIR,—I am extremely concerned at stating that the small pox has made its appearance in this Settlement.

It was first noticed in Cape Town this morning, and appears to have been introduced by a Hottentot who came from a distant part of the Country.

The immediate steps which I have taken for the suppression of the disorder and the exertions of the Faculty will I trust eradicate without loss a complaint that is particularly dreaded by the inhabitants and which at various times has committed considerable destruction. I have &c.

(Signed) CALEDON.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas by a Government Advertisement dated the 14th of January last, the Inhabitants of this Settlement were apprized that a Commission of Medical Gentlemen was appointed for the purpose of carrying the Vaccine Inoculation into effect, and they were exhorted in the strongest manner to have recourse to a discovery which had been proved to be completely effectual in preventing the dreadful effects of the small pox; and whereas serious apprehensions being now entertained that the small pox has made its appearance in the Colony, I hereby again call upon all Masters of Families to lose no time in getting every Individual of their Families inoculated with the Vaccine matter, by which, should the suspicious appearances prove to be the disorder apprehended, no danger whatever need be feared either for the Individuals themselves, or for the Settlement in general; in the meantime I have taken every possible precaution for preventing the infection from spreading, by placing the ship in which the appearances are supposed to have broke out, into the strictest quarantine, and by adopting such other measures as seemed most likely to prevent any further communication.

The Commission for the Vaccine Inoculation consists of the following Gentlemen.

A Baillie, Esqr., Deputy Inspector of Army Hospitals, President, Dr. Emerson, and Dr. L. G. Biccard, Members.

Given under my Hand and Seal, at the Castle of Good Hope, this 16th of June 1807.

(Signed) CALEDON.

[Original.]

Letter from SIR DAVID BAIRD to VISCOUNT CASTLEREAGH.

LONDON, 18th June 1807.

MY LORD,—In consequence of Mr. Cooke's having transmitted to me, by your Lordship's directions, the Copy of a letter from the Rt. Honble Willm Windham, bearing date the 26th of Septr. 1806, and which letter I did not receive before my departure from the Cape, I proceed to give your Lordship such information on the points therein stated as is in my power to afford.

The paragraph I have first to Notice relates to the Brig *Fortuna*, the Cargo of which was seized by my order. On this subject I have only to observe that if the trouble had been taken to refer to my letter of the 5th of May 1806, wherein it is distinctly stated that the *Fortuna*'s papers had all been transmitted to England for the information and judgment of His Majesty's Admiralty Court, it would have been clearly seen by Mr. Windham that I had not taken upon myself to decide a Prize Cause, and at the same time to award the appropriation of the Prize Property.

The Danish ship *Lisette* was detained by me for the reasons stated in my letter of the 3rd of June 1806; but on a further consideration of the circumstances attending her I was induced to permit her to prosecute her voyage, the Supercargo and Captain previously entering into a Bond for the Amount of the Ship & Cargo if eventually condemned in a Court of Law; and I have every reason to believe they were both perfectly satisfied that in the detention of their Vessel I was solely actuated by public motives and a sense of duty.

With respect to the practical Distribution of Prize Money I was led to make to the Army, I certainly did consider the situation of the Colony rendered that measure indispensable. I was fully convinced by the representations of the Burgher Senate, (copies of which (E) are herewith forwarded), as well as by a variety of other circumstances within my own immediate observation, that to withhold from circulation the whole of the Paper Currency which had accumulated in the hands of the Prize Agents would have been ruinous to the interest of the Merchants & many other individuals, and injurious to the Colony at large.

To have postponed the sale of the Prize Property, as Mr. Wind-

ham conceives ought to have been done, was hardly practicable, & in my opinion would have been certainly not advisable. Many of the Articles were of a perishable Nature, & others were indispensable to the use of the Navy & Army and a large Fleet of Indiamen & Transports, whose resources and comforts had been exhausted by a protracted voyage; but more particularly were they required by the Inhabitants of the Colony, whose wants at the time of the Capture were excessive, & could by no other means be immediately lessened & relieved.

Equally unadvisable would it, in my opinion, have been to pay the proceeds of the sales into the hands of the Pay Master of the Forces; as with him the Amount would have been as much locked up as with the Prize Agent: for admitting the Paymaster had the power of granting Bills for so large a sum, the circulation of it, by means of his regular payments to the Army, would have been a work of many Months, if not of years, especially as we had been furnished, upon leaving England, with a considerable quantity of specie for the payment of the subsistence & other incidental expences of the Troops.

It does not appear to my conviction that, because the value of the prize property sold might amount to £300,000, a strong presumption could necessarily be formed that the property was not all public. The best & most convincing proof to the contrary is that, except a representation on the subject of the Whale Fishery, no claim whatever has, to my knowledge, been preferred for any of the property, altho' eighteen Months have elapsed since its capture.

The course stated by Mr. Windham as being obvious was in part adopted by my directing the Prize Agent to transmit to England a detailed Return or Inventory of the Goods, Merchandise, and other public Property attached and sold, and such Return or Inventory has accordingly been transmitted, and is now before those vested with legal powers to determine on it.

There remains for me only to observe to your Lordship, that I have ever been sensible of His Majesty's well known disposition to promote the interest of his Navy & Army, and on all occasions would confidently rely on it. I trust too, that no Measure I may have conceived it proper to adopt during my late Command at the Cape of Good Hope (however erroneous it may have proved) is calculated to induce a contrary belief, or can possibly be

perverted, by any impartial or unprejudiced mind, to an opposite construction. I have etc.

(Signed) D. BAIRD, Lieut. General.

[Original.]

*Extract of a Letter from REAR ADMIRAL MURRAY to
B. TUCKER, ESQRE.*

Polypheus, off MONTE VIDEO, 18th June 1807.

Their Lordships are of course aware that the only Vessel at the Cape of Good Hope is the *Harrier* Brig, but as soon as Buenos Ayres falls I purpose sending some Ships there, if I do not receive their Lordships' Orders before.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas the person upon whom the suspicious appearances supposed to be the small pox had broke out having, for the greater security against infection, been removed to Paarden Island, I hereby most strictly forbid all intercourse whatever with the Island until further notice.

And in order the better to enforce a due attention to this Regulation, I hereby declare that any person after the publication hereof found upon any part of the said Island will incur a penalty of 500 Rix Drs. and be subject to Six Months' imprisonment; and in case of inability to pay the aforesaid sum, then the party so offending will be liable to be corporally punished according to the exigence of the case.

Given under my Hand and Seal, at the Castle of Good Hope, this 18th of June 1807.

(Signed) CALEDON.

[Office Copy.]

Letter from MR. EDWARD COOKE to the EARL OF CALEDON.

DOWNING STREET, 19th June 1807.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that permission has been given to the Bearer, Mr. Andreas C. Hancke, a Swedish Subject, to proceed to The Cape of Good Hope to join his Brother, who it is stated has been established for many years as a Merchant in that Colony. I have etc.

(Signed) E. COOKE.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas by a proclamation issued by the Earl of Macartney, when Governor of this Colony, bearing date the 17th day of March 1798, certain Regulations were established for enforcing the due payment of the Poll and Chimney Money from the Inhabitants of the Cape District; and it appearing by the 35th Art: of the Instructions given by the late Batavian Government to the Burgher Senate, that some further measures were ordered to be adopted with a view of preventing any delay in the Collection of this essential Branch of the Town Revenue.

And whereas it has been represented to me by the President and Members of the Burgher Senate, that notwithstanding the provisions contained in the said proclamation, as well as in the Instructions before mentioned, that considerable delays and difficulties have arisen owing to their not being possessed of sufficient authority to enforce the due payment of the aforesaid Taxes. And having taken their Representation into my serious consideration, and it being my firm determination to give every support to the Magistrates established by Law, to enable them to enforce compliance with such Regulations as have been found necessary for the public good: I do hereby recall the said proclamation of the 17th March 1798, and annul the 35th Article

of the Instructions from the Batavian Government to the Burgher Senate, in as much as it relates to the Taxes before mentioned ; and hereby order and direct that from and after the date of these presents, Two Members of the Burgher Senate do attend at their Senate House on the first Monday and Tuesday of every year, and likewise on the first Monday and Tuesday in the months of April and October, from the hours of 9 to 12 in the forenoon, and from 3 to 5 O'Clock in the afternoon, for the purpose of receiving payment of the Taxes of Poll and Chimney money ; and the several Inhabitants are hereby directed and required to appear before the said deputed Members at the time appointed, to acquit themselves of the payment of the Taxes aforesaid. And should any person or persons, in disobedience of these my orders and Commands, fail to appear at the Senate House within the time specified, and for the purposes herein mentioned, they shall forfeit the sum of Ten Rix Drs. each to be paid into the Town Treasury. And the Burgher Senate are hereby fully authorized and empowered to summon such Defaulter or Defaulters before them, and there to require the payment of their Quota, or to assign such reasons for having delayed the payment thereof, as shall appear sufficient ; but should any one refuse to obey the summons, or not assign sufficient cause, the Burgher Senate have in such case full power and authority given them to issue a Warrant under their hands and seal, without any further notice or process, for distraining on the party or parties so defaulting to the amount of their default, together with all the expences attending the recovery of the same, which Warrant shall be executed according to the established Law and Custom of the Colony. But in order to prevent any improper use being made of the power and authority vested by these presents in the President and Members of the Burgher Senate, it is hereby provided, that previous to the execution of the Warrant aforesaid the party shall be at liberty, on depositing the sum of 25 Rix Ds. in the hands of the secretary of the Burgher Senate, to Appeal to the Court of Justice ; but if the party so offending should fail to prosecute his cause in Appeal on the first Court Day next ensuing, he shall not only forfeit the sum deposited, but moreover be liable to pay all further costs and expences which may have been incurred ; which sums are to be carried to the account of the Town Treasury.

And in order that no person may be able to plead ignorance of

these presents, I do hereby order and direct, that this may be published immediately, and stuck up in the usual places.

Given under my Hand and Seal, at the Castle of Good Hope, the 20th day of June 1807.

(Signed) CALEDON.

[Copy.]

Order by REAR ADMIRAL SIR EDWARD PELLEW, Commander in Chief of His Majesty's Ships and Vessels in the East Indies, to JUSTICE FINLEY ESQRE., Commander of H.M. Sloop Harrier.

You are hereby required and directed in His Majesty's Sloop *Harrier* under your Command to place yourself under the Orders of the Senior Officer in Command of His Majesty's Ships and Vessels employed and to be employed at the Cape of Good Hope and within the limits of that Station.

Given under my hand on board H.M. Ship *Duncan*, Madras Roads, 21 June 1807.

(Signed) ED. PELLEW.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to GENERAL JANSSENS and MR. VANDER HEIM, Minister of Commerce to the Colonies at the Hague.

DOWNING STREET, 30th June 1807.

SIR,—Immediately on the receipt of your letter of the 5th (and 8th) Ultimo relative to the Property of the Chartered African Fishing Society, formed at the Cape of Good Hope, a reference was made upon the subject to Sir David Baird who is now in this country, and from the answer that has been received his conduct appears to have been perfectly correct, in as much as the Laws of this Country by which captured Property is adjudged assign to the Captors any Arms, Ammunition, Stores of War, Goods, Merchandise, and Treasure belonging to the State at War, or to any

Public Trading Company of the Enemy, taken upon Land as legal Prize

I am etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from MR. EDWARD COOKE to the EARL OF CALEDON.

DOWNING STREET, 2nd July 1807.

MY LORD,—Mr. Canning has transmitted to Lord Castlereagh a letter from Lord Newborough requesting that Mr. Anthony Chiappini may be permitted to continue his residence at the Cape of Good Hope, where it is stated his former good Conduct has long established his Character.

It is not known here that Mr. Chiappini has been ordered by General Grey to leave the Colony, and unless your Lordship may find there are particular reasons to the contrary, Lord Castlereagh directs me to express his wish that Lord Newborough's request may be complied with, and Mr. Chiappini permitted to remain at the Cape. I have etc.

(Signed) E. COOKE.

[Original.]

Letter from MR. H. ALEXANDER to the RIGHT HONOURABLE BRIGADIER GENERAL STEWART.

July 2nd 1807.

MY DEAR STEWART,—The points Lord Caledon was most anxious to have received information upon you will see in his letter to Mr. Windham and Mr. Windham's answer. The letter of Mr. Dundas alluded to throws no light upon the subject and matters were so strongly pushed between General Dundas and Sir Wm. Young that the Colony was split into parties and Dundas entertained at times serious thoughts of employing the force he commanded to send Sir William home.

Lord Caledon was perfectly aware that all executive duties and

the complete command and even if you please temporary patronage lay in the Commander in chief, but the selection of stations for the troops and above all in case of a powerful invasion he was anxious to know on whom it lay to determine whether the Cape Town was to be defended or possibly the Cape Town given up and the remainder of the Colony defended as Janssens attempted for a short time to do, should there be an unfortunate difference of opinion between him and the Commander in chief which I think from his temper highly improbable but the facility with which a force could be sent from India or pay and aid for our Troops would enable us to hold the Eastern side of the Cape should the very improbable circumstance of an Invasion in great force ever take place by the Enemy.

He wished much to know relying upon Barrow and other Information whether he should exercise the discretionary powers invested in him of having accurate and professional surveys made of the Knysna on the Eastern side of the Cape promontory to ascertain that which is certainly disputed, its capability of becoming an useful and secure Port, and easily defended against any force attacking by sea or land, also in the same exercise of the discretionary power his Commission gives him, whether on the Northern side he should be justified in incurring the Expence of having a very accurate survey made of the soil and ground between the Berg River and Saldanha Bay and an estimate of the expence of diverting the whole of that River or a proportion adequate to the supply of the shipping and such Inhabitants as might be tempted to settle here.

His wishes were to be regulated in the use of such Discretionary Powers as his Commission and Instructions gave him by the wishes of administration in either drawing forth and promoting the capabilities of the Establishment or merely to carry on matters as they are until a Peace decided its Eventual Possessor. Lord Grenville's decided opinions were that the Governor should act upon a determination avowed of never giving up a place essential to our holding India *as he now believed it to be*, and his Expression to me was, He could not figure to himself the possibility of our being reduced to a state so *Humiliating* by warfare as to induce him to consent to yield it up or to make it a subject of Negotiation.

Under those impressions he was anxious to govern the Cape in

a manner to impress the Natives and Settlers in a manner that would teach them to look up to us as permanent proprietors, and to have established a system of laws that would lead British Property and British Subjects to settle here and to have established (consistent with security to existing and settled Property) a knowledge of the undisposed of Property and a system of Colonization equal to its occupation and productive uses. Connected with this he intended to have introduced British Laws and a British administration of them still respecting the rules and regulations now existing and all the prejudices of the present Inhabitants, but with a capability of extending themselves to all necessary changes as the British from a gradual influx might become the most numerous part of the Population.

I state these outlines. If your Brother does not think matters ripe for his consideration, I shall proceed no further. Lord Caledon has all my Papers extracts and such suggestions as occurred to my mind as subjects of Investigation and Enquiry. I have stated to you the principles upon which Lord Grenville had determined to act, but if France in future discussions relies upon your having the East Indies, you may fairly say the possession implies what is necessary to its security, and I concur with him in thinking the Cape indispensably necessary more especially as Spanish America has now attracted so much military attention.

Yours truly,

(Signed) H. ALEXANDER.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas it was judged expedient by His Excellency the Earl of Macartney, when Governor of this Settlement, and subsequently by His Honor Lt. Governor Francis Dundas, to order certain regulations for more speedily enregistering the Transfers of all Estates disposed of by sale, or succeeded to by Inheritance, and for preventing Loss to His Majesty's Revenue from any attempt to evade the payment of the Duties laid upon all such Transfers, which regulations were made public by the several proclamations

of the 20th July and 22nd September 1798, and of the 11th June 1801.

And whereas it has been represented to me, that, in consequence of the changes which have taken place in the Government of this Country, the salutary provisions of the above mentioned Regulations are in many instances not attended to: I do therefore think proper to renew the said proclamations of the 20th July and 22nd September 1798 and the said proclamation of the 11th June 1801, and they are henceforward to be considered in every respect in full force, in the same manner as if they were herein inserted.

And I have further thought fit to direct, and it is hereby directed, that, in addition to the Oath appointed to be taken by the Seller of any Estate, previous to the Transfer thereof being made out, he shall likewise be called upon by the Officer appointed to collect the Transfer Duties to swear and to sign the following additional clause, viz:

“I, A. B., do likewise swear that C. D., in whose favour the present transfer is to be made out, is the only person who has purchased this Estate from me; and that I never have directly or indirectly given previously possession thereof to any other person; and this I swear without equivocation or any mental reservation whatsoever.”

But in as much as taking the aforesaid Oaths before the Officer appointed to collect the Transfer duties, may in some cases be inconvenient to the Buyers or Sellers of Estates in the Country Districts, it is hereby provided, that the said Oaths may also be taken and subscribed before the Landdrost of the District in which such Buyer or Seller resides, copies of which oaths, certified by the aforesaid Landdrost, are to be transmitted to the Officer appointed to collect the Transfer Duties, upon receipt of which, the said Officer is hereby authorized to issue the customary Certificate thereof, in the same manner as if the parties had appeared personally before him.

Given under my Hand and Seal, at the Castle of Good Hope, this 7th of July 1807.

(Signed) CALEDON.

[Copy.]

Government Advertisement.

Notice is hereby given that all permissions for strangers to remain in this Colony will henceforth be made out in this Office on a Stamp of Five Rixdollars, and all Strangers at present in the Settlement, without leave from His Excellency the Governor or passports from His Majesty's Secretary of State in England, are directed to apply for the necessary permission without delay, or they will be proceeded against, without further notice, according to Law.

Castle of Good Hope, 10th July 1807.

By Command of His Excellency the Governor.

(Signed) A. BARNARD, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that from the 1st of August next the Newspapers and Mails for the several Country Districts will be dispatched from the Post Office every Saturday morning, at 8 O'Clock, and will be forwarded to Stellenbosch by the post Waggon employed by the Burgher Senate.

The Landdrost of Stellenbosch to send all the Bags, not belonging to his District, on the same day, to the Paarl, by one of his Orderlies mounted; and the Landdrost of Tulbagh is to take care that an Orderly from his district shall be at the Paarl in time on every Saturday to take charge of the Mails when they arrive, and to return with them to Tulbagh without delay; From Tulbagh the Bags for Swellendam, Graaff Reinet, and Uitenhagen are to be sent by a mounted Orderly half way on the road to Swellendam, where he will be met by an Orderly from the latter place, who is to return with the Mails without loss of time. The Mails from Swellendam to Graaff Reinet and Uitenhagen

are to be forwarded from thence by the Post Boers as at present.

Castle of Good Hope, 16th July 1807.

By Command of His Excellency the Governor.

(Signed) A. BARNARD, Secretary.

[Original.]

*Letter from REAR ADMIRAL MURRAY to WILLIAM
MARDEN, ESQRE.*

Polypheus, off MONTE VIDEO, 17th July 1807.

SIR,—I did myself the honor of informing you by His Majesty's Sloop *Saracen* of the Events that took place at Buenos Ayres on the 5th, 6th, and 7th Inst. and as I think it of the utmost Consequence that their Lordships should be apprized of them, I send Duplicates of my letters lest anything should have happened to prevent the Arrival of the *Saracen*.

The *Saracen* sailed from Buenos Ayres on the 10th Inst. and from Monte Video on the 12th. On the 12th the whole of the Troops were embarked from Buenos Ayres, the great Exertions of Gen^l Gower and Captm Baynton having surmounted every difficulty. On the 13th sailed, and arrived off Monte Video on the 14th. The next day the greater part of the Transports got into the harbour.

I directed Lieut^t Talbot of the *Encounter* to remain about nine miles below the Town of Buenos Ayres with two empty Transports to receive the Prisoners as they came down from the Country, as well as some Biscuit which was baking at Buenos Ayres for the Use of our Troops.

Near four hundred wounded Officers and Men were left at Buenos Ayres with a part of the Medical Staff to attend them.

Having requested General Whitelocke would fix as soon as possible on the Number of Troops he sends to the Cape of Good Hope, I have requested the Agent of Transports to get them on board, 1,800 is the Number, and, as soon as the Transports are ready, Rear Adm. Stirling in the *Diadem* having under his Orders

the *Raisonable*, *Camel* Storeship, *Stauneh* Gun-Brig, and *Paz* Schooner, will sail with them. The *Nereide* and *Daphne* will likewise be considered as a part of his Squadron, but will be left off this place for some time to inform any Vessels that may arrive, that the Country is evacuated by His Majesty's Troops.

As soon as the General has fixed on the Number of Troops he means to send to England in the first Division, I shall detach them under Convoy of the *Unicorn*, *Thisbe*, *Proteector* Gun Brig, and *Olympia* Cutter.

Some of the Gun Boats taken at Monte Video I have directed the Ships of War to break up for fuel as they are much distressed for want of it, and the Boats must have been destroyed on our evacuating the place.

The Communication between the Ships and the Shore is so difficult from the blowing Weather, that for some Days Boats cannot pass. I have reason to hope that there will be sufficient provisions to take the Troops and Ships of War to England, by substituting a great deal of Rice for other things, and salt provisions enough without purchasing any, as the Army Victuallers have a great deal in, and of course must supply the Transports. Water Casks are setting up and every Exertion making to procure enough for the Voyage.

The difficulty of supplying the Ships of War and Transports with Provisions, for want of some person to take the whole Charge and Management, has induced me to appoint Mr. James Wilkinson to act as Agent Victualler on this Occasion, and to purchase such provisions as may be absolutely necessary to take the Squadron and Troops to England, my Reason for appointing him is that Admiral Stirling had appointed him to purchase Fresh Beef, Wine and Spirits for the Squadron prior to my Arrival, as well as Super-Intendant of the Stores at the Naval Arsenal, in which Situation he appears to have acquitted himself to the satisfaction of Admiral Stirling.

I enclose a return of Appointments of Commission and Warrant Officers, and have &c.

(Signed) GEO. MURRAY.

[Copy.]

Instructions by GEORGE MURRAY, ESQRE., Rear Admiral of the White and Commander in Chief of a Squadron of His Majesty's Ships and Vessels employed on a particular service.

You are hereby required and directed to take under your command the Ships and Vessels named in the Margin and direct their Captains and Commanders to compleat to nine weeks provisions of all species.

Diadem,
Raisonable,
Camel S.S.,
Staunch,
Paz.

His Excellency Lieut. General Whitelocke has directions to send a Force consisting of 1,800 men to the Cape of Good Hope, from whence the Ships of the East India Company will be directed to convey them to India, which men are now ready to embark and Transports preparing to receive them.

I have directed such stores as can be shipped in a Transport and in the *Camel* Store-Ship, to be immediately got from the Arsenal at Monte Video. You will direct every assistance to be given from the Squadron under your command, in shipping the Stores and getting the store ships ready, without loss of time.

You will proceed with the Squadron under your Command, and the Transports having the Troops and Stores on board, to the Cape of Good Hope, and put yourself under the Command of Rear Admiral Sir Thomas Troubridge Bart. and follow his orders for your further proceedings.

Given on board His Majesty's ship *Polypheus*, off Monte Video
17 July 1807.

(Signed) GEO. MURRAY.

[Copy.]

Government Advertisement.

Notice is hereby given that Charles McLean Esqr. is appointed Collector of the Customs at the Cape of Good Hope and its Dependencies.

Castle of Good Hope, 20th July 1807.

By Command of His Excellency the Governor.

(Signed) A. BARNARD, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given that Robert Dobbin, Esqr. is appointed Captain of the Port and Harbour Master to this Settlement.

Castle of Good Hope, 20th July 1807.

By Command of His Excellency the Governor.

(Signed) A. BARNARD, Secretary.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 21st July 1807.

MY LORD,—I think it right to acquaint your Lordship that in consequence of Reverses which His Majesty's Allies have recently experienced in Poland, the Emperor of Russia and the King of Prussia have signed Armistices with the French, and it is understood that Negotiations for Peace have been entered into by those Powers. When further Information respecting the course which affairs are likely to take should arrive, the necessary Intelligence will be communicated to your Lordship, in the mean time His Majesty is continuing his Efforts to maintain the Security of his Dominions against every possible attack of his Enemies.

I have &c.

(Signed) CASTLEREAGH.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARSDEN, ESQRE.

Polypheus, off MONTE VIDEO, 23rd July 1807.

SIR,—The Transports having two thousand Troops for the Cape will be ready to sail the 26th, the *Diadem* and *Raisonable* will likewise take a proportion, they consist of the 21st Dragoons and

the 87th and 47th Regiments, with some few Artillery. Admiral Stirling in the *Diadem* with the *Raisonable* will proceed with the Transports. The *Camel* store ship and *Staunch* Gun Brig I fear will not be ready to go at the same time, as Stores are putting on board the *Camel* from the Arsenal, and the *Staunch*'s Defects will not be made good. I shall therefore send them when ready with the Transport receiving the Remainder of the Stores, and I understand the Merchants wish for Convoy for some of their Ships that have not disposed of their Cargoes at this place.

The Weather at present prevents our communicating with the Shore and impedes us very much. No Prisoners have yet been sent by the Spaniards from the Interior, and I do not think they will arrive in Time to allow us to quit Monte Video at the period proposed, indeed I do not see a prospect of our getting from hence in less than two Months, and it may be much longer, as the General means to keep possession of Monte Video until the Prisoners arrive and are embarked.

The difficulty of keeping the Water complete in the Transports (most of the Troops being kept embarked for want of room on shore) is great, as Transports are obliged to go up the River many Miles to fill their Casks and are often kept there by the Winds for some time, so that it will not be possible for them all to be complete on leaving this place, which may oblige us to touch on the Coast of Brazil. I shall however avoid that if possible.

I proposed to the General to send a Division of the Troops to England as soon as possible under Convoy of the *Unicorn* and *Thisbe*, but he wishes they should not sail until he can ascertain when the Prisoners may arrive, and lest the Spaniards should break the Treaty.

I mentioned my Intention of leaving the *Nereide* and *Daphne* to cruize off the mouth of the River for some time after we leave it, and afterwards to join Adm^l Stirling, but from Circumstances I shall leave the *Charwell* instead of the *Daphne* which will be kept to strengthen the Convoy home.

Capt^a Palmer of the *Phasant* has directions to proceed with the Dispatches to London if he finds on his Arrival in England that the *Saracen* has not arrived, otherwise to forward them by post. General Whitelocke sends an Officer home with his Dispatches and Duplicates of those sent by the *Saracen*.

No Vessel of War has arrived from England since the *Thisbe*, which brought out General Whitelocke.

Rear Admiral Stirling has Orders to put himself under the command of Rear Adm¹ Sir Thos. Troubridge on his Arrival at the Cape, should he be there, but I much fear from the Accounts I received at the Cape from Captn. Finlay of the *Harrier*, and which I transmitted to their Lordships, that the *Blenheim* bearing his Flag and the *Java* Frigate must have foundered in the Gale in which the *Harrier* suffered so much, and parted from them.

Enclosed is the State and Condition of the Squadron under my Command, and their Disposition. I have etc.

(Signed) GEO. MURRAY.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, July 25th 1807.

MY LORD,—As it appears that Your Lordship is placed at the Head of the Colonial Department, I have the honor to forward Duplicates of the several Dispatches which I addressed to Mr. Secretary Windham since I took upon me the administration of this Government, and I shall continue to address myself to Your Lordship until I am acquainted with His Majesty's pleasure thereon.

The small pox which made its appearance here on the 16th Ultimo was early suppressed, and the vaccine inoculation has been resorted to by all classes of the Inhabitants in Cape Town. I have likewise adopted measures for its introduction into the interior.

As to the rest, the Colony continues to enjoy the most perfect tranquillity. I have &c.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, July 25th 1807.

MY LORD,—In addition to my Letter of the 7th of June respecting prize property, I beg to submit two other cases the nature of which will be sufficiently explained by the enclosed papers: the one an Extract from the account of the Burgher Senate, the other a Statement made by the Landdrost or Chief Magistrate of the District of Graaff Reinet. I have &c.

(Signed) CALEDON.

[Enclosure 1 in the above.]

Extract of the Burgher Senate's Account closed 31st December 1806.

Paid the Agents of His Britannic Majesty's Army and Squadron, as Captors of this Colony, in payment of a Bond in favor of the Government and in charge of the Town Treasury, for a sum of Twelve Thousand Five hundred Rixdollars advanced to the Town Treasury by the Government's Colonial Treasury, by virtue of a Resolution of Mr. J. A. De Mist, Commissary General from the part of the Batavian Republic at the Cape of Good Hope, bearing date the Nineteenth of May 1803, under Condition that this sum shall be paid in Ten years, in Ten equal instalments, of which Instalments only one or One Thousand two hundred and Fifty Rixdollars having been paid, the said Bond remained on Eleven Thousand Two hundred and Fifty Rixdollars, but for which sum according to a Contract made with the said Prize Agents, no more than seven thousand Five hundred Rixdollars was paid to them.

(Signed) J. B. HOFFMAN, Secretary.

[Enclosure 2 in the above.]

Memorandum.

Pursuant to a Resolution of the Commissary General of the Batavian Government J. A. de Mist Esqre., taken in the Month of Febry. 1804, it was granted to the Colony of Graaff Reinet a Loan

from Government of Rdrs. 4000, payable in the course of eight years without Interest, to wit annually in the Month of July Rdrs. 500. The first Instalment was consequently paid into the Government Treasury in the year 1805, and the second to the Prize Agents in the year 1806.

Upon Representation of the undersigned Landdrost, it was resolved by the late Batavian Government in the year 1805 to advance to the Drostdy of Graaff Reinet an amount of Rdrs. 25,000, upon the same footing as has been done to the Drosties of Uitenhagen and Tulbagh, to be repaid in twenty five years, or annually 4 per Cent of the Capital, without any Interest, of which amount only Rdrs. 6000, provisionally were received out of the Treasury in the Month of November 1805, and the remainder was to have been supplied afterwards when the Currency therefor intended should have been fabricated, but which never took place.

The first Instalment of the above Rdrs. 6000 being Rdrs. 240 was paid to the Prize Agents in the year 1806.

No Bond or Obligation on the part of the Drostdy was passed to Government neither for the first nor for the Second Sum advanced, but by the Resolutions of Government by which the effects of the Drostdy of Graaff Reinet are mortgaged the Receiver General was warranted to receive the several Instalments when due as stated.

Since that period Mr. E. B. Ziervogel entered into an Agreement with the Prize Agent, Captain Sorell, to purchase for ready Cash the Balance due of the aforesaid Debt; then being Rdrs. 8760, partly payable in eight, and partly in twenty five years, which bargain was made on account of the Undersigned, but afterwards it being suggested that it was an uncertainty whether or not the aforesaid advanced Money to the Drostdy of Graaff Reinet hereafter would be considered as prize it was agreed upon, between Captain Sorell and Mr. Ziervogel, that the Transaction shall remain unsettled until a final decision upon the subject.

(Signed) A. STOCKENSTROM, Landdrost.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, *July 25th 1807.*

My LORD,—The order of Council for Regulating the Trade and Commerce to and from the Cape of Good Hope, bearing date the 28th December 1798, and to which my Instructions refer, states "that it is His Majesty's pleasure that no Goods, Wares or Merchandise which shall be imported into the said Settlement or the Territories and Dependencies thereof from any part of His Majesty's Dominions shall be subject to any duty."

According to a Proclamation issued by Sir David Baird, bearing date the 30th May 1806, hereunto annexed, a duty of Three p^r Cent has been laid upon British ships in all cases.

As no document appears in the Office empowering Sir David Baird to have made this arrangement, and as His Majesty's pleasure is so forcibly laid down in the said Order of Council, I have directed the Collector of the Customs to admit British Manufactures in British bottoms free of duty, and I was the more induced to adopt this measure from a supposition that Sir David Baird acted upon the practice that was observed by the late Batavian Government, which imposed a similar duty upon the importation of Goods the Manufacture of Holland. I have etc.

(Signed) CALEDON,

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, *July 25th 1807.*

My LORD,—After having taken upon Me the Administration of this Government I found that there had been Three situations created by Sir David Baird, a Commandant of Cape Town, a Commandant of Simons Town, and, a Commandant of Fort Frederick, to the first situation was annexed a Salary of £1 10 per diem, to the others 10 Shillings per diem each, the whole paid from the Colonial Treasury.

sively held by General Beresford, Col. Vassal, and Colonel Baird, that of Fort Frederick by Major Cuyler the provisional Landdrost of Uitenhagen, but as it does not appear to Me that any extraordinary expence is incurred or Civil duty performed by the Officer holding either situation, I have since the arrival of a Brigadier General directed those allowances to be discontinued.

With respect to the Commandant of Simons Town, the situation is one which involves a certain degree of expence upon the Officer holding it, from the necessity He is under of occasionally receiving Officers that land there at this Season of the year, from which consideration I have continued his salary until I am informed of His Majesty's pleasure respecting it. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, July 25th 1807.

MY LORD,—As one of the objects I have in view is to reduce the expences of this Settlement so as to render it adequate not only to defray the requisitions of its own Government but likewise to assist the Mother Country, I shall occasionally submit, for Your Lordship's consideration, such measures as I think will have that tendency; and the One I have now to propose, namely, the abolition of the Slave Lodge, will I conceive be thought worthy of adoption.

A Slave Lodge was amongst the first Establishments of the Dutch East India Company upon the formation of this Settlement; That Company, exercising the exclusive right of commerce, chartered Vessels and as occasion required supplied the Lodge with slaves from Madagascar and Mozambique; the Slaves so provided were employed in loading and unloading Vessels, working in the Company's Gardens and cultivating the Land. From the Year 1670 until the present period, the establishment, a return of which is enclosed (1) was carried on without undergoing much alteration. At the Capture of the Cape by Sir David Baird and Sir Home Popham, the Slaves were seized as prize property and

afterwards purchased on account of Government, the establishment therefore remains as formerly.

Enclosure No. 2 will show the manner in which the labour of the slaves is employed, and Enclosures No. 3 & 4 the expence of the establishment.

The department that will suffer most by its reduction is the Commissariat; but I cannot think otherwise than that the occasional hire of Labourers (should it not be thought proper to employ a Working party from the Army) will come infinitely cheaper than the constant support of an equal number of slaves; taking into consideration that the Work of a slave is by no means so efficient or so rapid as that of a free person.

It will appear from Enclosure No. 5 that there are two Classes that scarcely, if at all, repay by Labour for their subsistence; nor can the Women be considered so much as assistants in any public employ, as performing domestick duties within the Lodge.

What may likewise be added in observation is, that, from the Number of births within the Lodge, unless some measure be adopted for its reduction, the Establishment must remain for a long period, altho' contrary to the feelings of His Majesty's Government at Home.

Under such circumstances I submit whether it would not be advisable that the slaves should be sold and that the Money produced from such Sale should be expended in the repairs of the Lodge, which might in consequence be rendered fit either as Offices for the Civil Servants of Government or as a permanent Barrack for Military officers; the Colonial Treasury and the Extraordinaries of the Army would by this means be saved from a considerable annual expenditure, and the Government obtain the use of a large and Commodious building.

It occurred to me in the first instance that it might be judged more suitable to the dignity of His Majesty's Government that the Slaves should be emancipated, and in cases where they may be thought equal to the support of themselves and their families it may still be done; but, I am induced to urge the sale from the following considerations:—

1stly, That they may not hereafter become a burthen upon the public.

2ndly, That only a small proportion could support themselves.

3dly, That the Law affords the slaves ample redress against the illusage of their Masters, nor does the bad treatment of them often require its intervention.

4thly, That the Slaves of the Lodge are mostly of bad character, and thefts in general appear to be committed by such persons of Colour as are unemployed.

If the measure be approved of, I have also to recommend that those Officers who have had the management of the Lodge may be allowed a continuation of their Salary; and I beg particularly to mention the name of Mr. Hohne, who has conducted the Establishment for 18 years uniformly I understand to the approbation of the Governors.

I likewise trust that it will not be considered an improper application to propose that the Governor should be allowed the hire of Twenty, and the Lt. Governor of 10 Men, for the purpose of keeping the public Gardens and Grounds in a proper state of cultivation. I have &c.

(Signed) CALEDON.

[Enclosure in the above.]

Return of the Government Slaves and their several stations on the 6th of July 1807.

						Men	Women
Government Garden, House & Stables	.	.	.	.	.	8	9
Government House & Stables in the Castle	.	.	.	.	.	4	4
Government Garden (1 sick)	.	.	.	.	.	19	8
Newlands	.	.	.	.	.	14	8
Commissary General's Department (1 sick)	.	.	.	.	.	27	6
Barrack Master General's Department	.	.	.	.	.	31	0
Royal Engineer's Department (1 sick)	.	.	.	.	.	9	0
Assisting in landing the Timber from the <i>Whitby</i> Transport	.	.	.	.	.	20	0
Farm Clapmuts	.	.	.	.	.	3	0
Farm Sweet Milk Valley	.	.	.	.	.	2	0
Attending in the general Hospital	.	.	.	.	.	2	0
Wheat Magazine	.	.	.	.	.	4	0
Printing Office	.	.	.	.	.	3	0
Stamp Office (sick)	.	.	.	.	.	1	0
Kitchen of the Slave Lodge	.	.	.	.	.	6	0
Provost Marshall	.	.	.	.	.	1	0
Apprentice to a Taylor	.	.	.	.	.	1	0
Sweeping in the Castle, Government Garden, etc.	.	.	.	.	.	6	7
For occasional work (2 sick & 3 at the Paarden Island)	.	.	.	.	.	5	21
Disabled	.	.	.	.	.	5	5

		Men	Women
Overseers		3	0
Nursing their little children		0	5
Boys and Girls		9	8
Sucklings		2	3
Run away		1	0
		186	84
The following are employed by the Magistracy and charged on the Colonial fund.			
With the Civil Jailer		1	0
At Tulbagh employed in building the Drostdy		2	0
As Caffers, attending on the Magistrate in Graaff Reinet		2	0
" " " " Swellendam		5	0
" " " " Stellenbosch		2	0
" " " " Cape Town.		2	0
Executioner		1	0
		Total	201
		84	

RECAPITULATION.

189 Men

10 Boys

2 Sucklings

201 Males

73 Women

8 Girls

3 Sucklings

84 Females

285

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, July 25th 1807.

MY LORD,—I beg leave to point out to your Lordship the very great expence under which this Colony labours from the increased Establishment of the Cape Regiment, and to request your consideration of the means of lessening the expenditure.

At the original formation of the Corps when the British had for the first time possession of this Settlement, the numbers of Rank and File did not exceed 350, and all expences were defrayed in the same manner as those of British Regiments.

The present Corps is upon an establishment of 800 Rank and File and exclusive of the Extraordinary expences is paid from the Colonial Treasury.

If His Majesty's Ministers are pleased to entertain the Subject there appear to me two modes by which the Colonial Treasury may be relieved.

First the reduction of the Corps to its original establishment. Upon this head I am to observe that the services they have hitherto performed, notwithstanding the unremitting attention of their Commanding Officers, have not been such as to enable them to take a part in the duty of the Garrison, nor do I think it probable that if more active service were required, the Commander of the Forces would employ them otherwise than as a loose Corps, for which in my humble judgement their original number would be found adequate.

Added to which from the very thin population of the Country the Farmers by their discharge would gain the advantage of some useful Labourers, a consideration of some importance, especially since the abolition of the Slave Trade. The annexed Extract of a Letter from the Landdrost of Graaff Reinet will more fully shew how beneficial such a measure would be.

2nd. The other proposal that I submit is that the Corps should be subsisted by the Deputy Paymaster General and be considered in that case as on the same establishment as British Regiments serving here.

In the event of this measure being adopted the Colonial Treasury could greatly assist in defraying the Extraordinaries of the Army, and the Colony be enabled from its own means to effect some necessary improvements, which if the cause already assigned be not removed the reduced state of the Treasury will not hereafter be able to sustain. I have, &c.

(Signed) CALEDON.

[Enclosure in the above.]

Extract of a Letter from the Landdrost of Graaff Reinet dated July 17th 1807.

Having been informed on my way up to Cape Town that another enlistment of Hottentots had taken place which might possibly extend itself as far as Graaff Reinet, I cannot but entreat your Excel-

Iency that this may be avoided as much as possible in the above mentioned Drostdy. Besides that this levying (at least as it was performed in the last year) would overthrow a Salutary Regulation of the late Government relative to the entering the names of Hottentots in service of the Inhabitants, whereby Servants are secured to them for a fixed period, and these sure of their wages, the Farmer would also be deprived of his best Herdsman, which cannot but have fatal consequences in those parts of the Country exposed to the wandering Hordes, and which the undersigned has already sufficiently demonstrated to the Fiscal in the Month of August last, the Hottentots at Graaff Reinet being besides mostly generated from the Bosjesmen, and only trained to be Herdsman, they are therefore not only unqualified for the Military Service, but even hold it in detestation.

When the undersigned was called upon to accept the Post of Landdrost of Graaff Reinet, he likewise thought it to be his duty to promote the interests of Government as well as of the Inhabitants in general, in order thereby to gain the confidence of both; and he has been already fortunate enough to succeed so far herein as to be able to assure Your Excellency that perfect tranquillity, good order, and subordination, now reigns in this formerly in a less favorable light viewed part of the Settlement, and will be preserved should the Undersigned likewise be thought worthy of your confidence so as to enjoy the same.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint a Committee, consisting of the following Gentlemen, with power to put up to Auction, and Farm out to the highest bidder, the Wine, Brandy, and Foreign Liquor Licences for the ensuing twelve months, commencing from the first of September.

The particulars of the Contract may be seen both at the Colonial Secretary's Office, and at the Fiscal's.

Names of the Committee:—

W. S. van Ryneveld Esq^r, His Majesty's Fiscal.

F. Dashwood Esq^r, Receiver General.

C. Brand Esq^r, Collector of Tythes, and J. P. Baumgardt Esq^r
Receiver General of Land Revenue.

The Auction will be held at the Burgher Senate House on Friday the 14th of August next, at 9 O'Clock in the forenoon.

Castle of Good Hope, 25th July 1807.

By Command of His Excellency the Governor.

(Signed) A. BARNARD, Secretary.

[Copy.]

*Letter from DEPUTY SECRETARY BIRD to
CHARLES MCLEAN, ESQRE.*

SECRETARY'S OFFICE, *August 1st 1807.*

SIR.—I have His Excellency the Governor's commands to acquaint you that, although there is no Document in this Office by which there appears to have been an increase of Salary to the several Officers of the Custom house establishment as fixed by the Earl of Macartney during the period that the Cape was a British Possession, yet the last Acting Lieut. Governor having tacitly assented to the Collector drawing an encreased allowance for the Officers in the inferior Situations of that establishment (which was no doubt occasioned by a consideration of the inadequacy of the former allowance) His Excellency has been induced to direct that the following shall be considered as the fixed establishment of the Customs of this Colony, and the sum affixed opposite to each shall be considered as the regular Salary in lieu of every other claim whatsoever :

A Collector of the Customs.

A Comptroller of Customs.

A Computer or A Chief Searcher.

A Collector's Clerk 50 Rds. per mensem.

A Comptroller's Clerk 1 1 1 1 1 1 40 " "

A Chief Searcher's Clerk 40 "

An Assistant Clerk to the Collector 50 " "

Five Waiters at 1/- 1/- 1/- 1/- 1/- 45 "

One Messenger 20 " "

The Meeting 25 " "

An allowance to the Collector for Stationery 200 Rds. per annum.

I am further directed to acquaint you that all Fees or perquisites of any nature whatever are to be publicly accounted for, and to desire that such fees and perquisites together with the total amount of the Import and Export Duties shall be paid by you into the hands of the Receiver General at the end of every month, the account thereof having been previously examined by the Auditor General.

Your own Salary together with those of the comptroller and searcher are to be drawn quarterly from the Colonial paymaster, those of the inferior Officers and the contingent account of the custom house will be paid to you also quarterly by a warrant upon the Receiver General.

Lastly, previous to any extraordinary expenses being incurred, the same must be submitted for His Excellency's approval.

I have &c.

(Signed) C. BIRD, Dep. Sec.

[Original.]

*Letter from REAR ADMIRAL MURRAY to
WILLIAM MARSDEN, ESQRE.*

Polypheus, off MONTE VIDEO, 3rd August 1807.

SIR,—Be pleased to inform their Lordships I dispatched the *Rolla* on the 30th Ultimo to Rio Janeiro with letters for the Viceroy and the English Consul, or any Merchant residing at that place, requesting it might be made publick that His Britannick Majesty's Troops were to evacuate this Country on or about the 8th of September next, to prevent English Merchant Vessels bound to Rio de la Plata and touching at Rio Janeiro, from proceeding. Lieut. Acott who commands the *Rolla* had directions to wait only twenty four hours at Rio Janeiro and proceed to Spithead, having some Officers of the Army on board who General Whitelocke wished to get to England as soon as possible. I sent by the *Rolla* Duplicates of Dispatches sent by the *Pheasant* and a Triplicate of one sent by the *Saracen*.

The Weather has been for some days so bad as to prevent our getting the Transports ready, the first Division will however I hope be ready in a few days, when they are to proceed up the

River to complete their Water and sail under Convoy of the *Unicorn* and *Thisbe*.

Rear Admiral Stirling in the *Diadem* with the *Raisonable*, *Paz* Schooner and Transports having on board upwards of 2,000 Troops of the 21st L^t Dragoons, 87th and 47th Regiments of Infantry sailed from hence on the 1st Inst^t. The 89th and Remainder of the 47th Regiment after being refreshed from the very long passage they had (as part of the *Cormorant's* Convoy) will likewise go to the Cape under Convoy of the *Camel* Store ship and *Staunch* Gun Brig.

Every exertion is using to get the stores from the Arsenal on board the *Camel* and *Saracen* Transport, but the distance the ships of War are obliged to lay from the shore and the frequent Gales of Wind make it impossible to say when they will be ready; the *Camel* has likewise a Quantity of salt provisions which will go on to the Cape: as soon as all her stores are on board and that I find the Acting Agent Victualler will not want more from out of her, a Return shall be sent of what she takes to the Cape.

The Provisions we are most in want of are Biscuit, Wine, Spirits and Sugar. The greater part of the Troops being embarked makes the expense of victualling them fall on the Navy. It was tried by my request to victual the Troops embarked by the Army from the shore, but the constant difficulty of getting daily supplies off and the number of Boats it took from other services, made it necessary to give it up. And although the Expenses attending the supplying the squadron and Transports with Biscuit, Wine, Spirits, Cacao and Sugar will be very great, yet it cannot in our present situation be avoided. Fresh Beef is served every day at a halfpenny a pound, which not only saves salt provisions, but lessens the Expense of victualling. Their Lordships may be assured that I will do everything in my power to prevent every expense that is not absolutely necessary.

The Squadron continue at two thirds allowance except of fresh Beef until we can ascertain the Number of English Prisoners we are to have from the Country and the means we have of victualling them for the passage home, none yet arrived. I have etc.

(Signed) GEO. MURRAY.

P.S.—In my letter by the *Rolla* I omitted to mention that on

her falling in with the *Cormorant* and *Hermes* before she got out of the River she returned with them to this Anchorage on the 24th Ultimo, and sailed again on the 30th as above stated.

[Office Copy.]

Letter from MR. E. COOKE to the EARL OF CALEDON.

DOWNING STREET, 7th August 1807.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the Bearer Mr. Balthazar de Roos to proceed to the Cape of Good Hope in order to reside with his Brother Andrew de Roos Esq^r, who is represented to be a respectable Landholder and Merchant in that Colony.

I have etc.

(Signed) E. COOKE.

[Copy.]

Proclamation by the EARL OF CALEDON.

For as much as it is highly expedient that I should be most particularly informed of the actual state of this Colony, and that I should be furnished with the most accurate Lists not only of the number of the Inhabitants, their Wives, Children, Slaves and Cattle, but also of the quantity and quality of the produce of the Land ; I have judged it proper to require and to command, and by these presents do require and command, that all and every one of the Inhabitants of this Cape District shall personally appear between the 1st of the ensuing month of September and the 1st of the ensuing month of December, before the Fiscal and Two Deputed Members of the Burgher Senate, at the Town Hall, on the days and hours herein aftermentioned, then and there, upon solemn Oath to the truth thereof, to give in their names, together with the names of their Wives, the number of their Children, Servants, Slaves, and Cattle, the extent of the produce of their Vintage or their Harvest, etc., in such manner as has heretofore been customary, and according to the best of their knowledge and

belief; and also of the number of the Morgen of Ground they possessed in property or Loan, and what quantity of the same they believe to be cultivated, or may be capable of cultivation, and for what sort of cultivation.

And in order to create as little inconvenience as possible to the Inhabitants, I do hereby direct and require of the Fiscal and Deputed Members of the Burgher Senate to attend at the Town Hall on every Tuesday and Friday morning, from two to twelve O'Clock, during the afore-mentioned period, viz: from Tuesday the 1st to Tuesday the 29th of September inclusive, for the Inhabitants of Cape Town and Table Valley; and from Friday the 2nd of October to Friday the 30th of October, for those that live betwixt the Town and False Bay, as far as the Koeberg included; and the remainder of the time for all the Inhabitants of the Cape District, whose limits are not mentioned.

And under the general Head of Inhabitants, I include not only the natives, but also such as resided here at the time of the Capitulation, and such as have since been permitted to remain here, and all the latter shall also give an account of their former quality and present manner of maintaining themselves.

And I do further declare that all such as shall not personally appear in the manner before stated, and comply with the orders of this Proclamation, shall be subject to a penalty of Five Hundred Rix Drs. for their neglect or disobedience, and shall notwithstanding be obliged to answer on Oath such Interrogatories as shall be put to them.

And in order that no person may plead ignorance, I hereby require that these presents be immediately published and stuck up in the usual places.

Given under my Hand & Seal, at the Castle of Good Hope, this 10th day of August 1807.

(Signed) CALEDON.

[Original.]

Letter from MR. W. H. HARTLEY to VISCOUNT CASTLEREAGH.

CAPE TOWN, 12th August 1807.

MY LORD,—The very serious manner in which I am affected by the several points to which I have now the honour to solicit your

Lordship's attention, will, I trust, excuse me in intreating with some degree of earnestness the favor of your early consideration of them.

On my arrival at this Settlement, I found, with some surprise, that the Salary which is annexed to my Office, and which at all times heretofore was paid from the date of the Appointment, was considered as falling within a rule lately established as to this Colony by Mr. Secretary Windham (which declares that the Salaries of all the servants shall be paid from the time only of their arrival in the Settlement), and that I also am bound by this regulation, altho' my Salary arises from a distinct branch of the Publick Service at home, *and is payable from the Treasury of this Colony only in the failure of two Contingencies*, the inadequacy of a fund from the *fines & Penalties* and from the *sale of old Naval stores*.

It is with no less mortification that I am forced to state also to your Lordship the disappointment I have suffered in being able to derive no advantage from a letter which was written to His Excellency the Governor in my favor by the late Mr. Secretary Windham, recommending to his Excellency the consideration of my case, as enjoying a salary of only *Six Hundred Pounds* a year, and suggesting the conferring on me a Government house to live in, or the appointment to some small place compatible with the office I now hold.

This letter of Mr. Secretary Windham was grounded on the inadequacy of my Salary to my Station, and was framed on the precedent of Lord Melville, at that time Minister of Colonial Affairs (to which letter now lying in your Lordship's Office I beg to refer you) recommending to Lord Macartney, then Governor of the Cape, the augmentation of my Predecessor's Salary to not less than £1000 a year.

From the circumstances however that no Government House can be afforded, and that no place, as above described, is vacant, the object of this letter has totally failed. And it is a duty which I owe to His Excellency the Governor to state that this failure arises in no degree from a want, on his part, of instant and attentive consideration of my Claim, with a hope, perhaps, that had His Excellency been enabled, he would in substance have granted in some other form that advantage to me which the spirit of Mr. Windham's letter has conveyed.

I have, therefore, to pray your Lordship to execute the spirit of Mr. Secretary Windham's letter, in the same measure of Justice as that which Lord Melville granted to my Predecessor, and to authorise the Government here to confer on me a compensation in money in lieu of a House or a place, to be computed from the period of my arrival in the Colony. And that your Lordship will be further pleased to direct the payment of my salary, as in the Case of my Predecessor, from the date of my appointment, which date is only one Month anterior to my leaving London to embark, and long after I had suffered the expence of my Passage.

I have etc.

(Signed) WINCHCOMBE HARTLEY,

Judge of the V. Ady. Court.

[Copy.]

Government Advertisement.

Notice is hereby given that the following Medical Practitioners and Apothecaries, having been examined by the Supreme Medical Committee, are, at the recommendation of the said Committee, henceforward to be permitted to practise in the following different Branches :

PHYSICIANS.

Dr. Biccard, Physician and Surgeon.

Dr. Prediger,

Dr. Wehr, Physician, Surgeon, and Accoucheur.

Dr. Leisching.

SURGEONS.

Messrs. Bozenberg,
Akkerman,
Hartley,
Mackrill,
Azerand,

Messrs. Synkantyn,
Mader,
Grimbeck,
Leuwer.

APOTHECARIES, CHEMISTS, AND DRUGGISTS.

Messrs. Wahlstrand,	Messrs. Smuts,
Poleman,	Matthiessen,
Verrume,	Eiselort,
Leuring,	Ludwig.
Lippart,	

PRACTITIONERS IN THE COUNTRY *only.*

Names.	Residence.
Messrs. Taryeux,	Paarl,
M. Nielen,	Stellenbosch,
Kriegler,	Waggonmakers Valley,
C. F. Spanagel,	Johannes Dal,
Wedemeyer,	Stellenbosch,
Becker,	Tulbagh,
Koster, Accoucheur,	Tulbagh,
Van Helsdingen,	Paarl.

TEMPORARY LICENCES ONLY.

L'Amour de La Manille,	Stellenbosch,
Van Wyk,	Hottentots Holland,
C. Duncker.	Paarl.

Castle of Good Hope, 14th August 1807.

By Command of His Excellency the Governor.

(signed) A. BARNARD, Secretary.

[Copy.]

Proclamation by the EARL OF CALEDON.

The supreme Medical Committee, appointed by the Proclamation of the 24th of April last, having transmitted to me two reports upon the state of Medical Science in this Settlement; I am induced, after a full consideration of the several points recommended by the Committee, to direct that the following regulations shall be strictly adhered to by all Medical Practitioners and Apothecaries in this Colony.

1st. By a Government Advertisement published on the 14th Instant, a List is given of all such persons as have been recommended by the Supreme Medical Committee for Licences to practise in the several Branches of the Medical Profession in this Colony; and it is hereby most strictly forbidden any other persons to practise in any of the therein mentioned Branches, without having, in the first place, produced their Certificate or Diploma to the Supreme Medical Committee, and in the next place, obtained a Licence from this Government for the purpose; and in order to enforce a due compliance with this regulation, I do hereby affix a penalty of One thousand Rix Drs. for any breach thereof, for the first offence; and any person who shall be found to have a second time offended against this order, shall be sent out of the Settlement without further notice.

2dly. It having been a prevailing custom in this Colony for the Physicians and Surgeons not only to prescribe but to prepare the Medicines themselves for their patients, to the manifest injury of such Patients, who in most cases are thereby neglected, only receiving their Medicines at night; such custom is in future to be discontinued; and I do hereby most strictly forbid any Physician or Surgeon from keeping any Medicines whatever for the use of his Patients, with the exception of such Medicines as are necessary to be kept at hand by a Surgeon for his surgical practice, according to a List which is to be furnished to every Surgeon by the Supreme Medical Committee, and any Physician or Surgeon who shall be found to have infringed this Regulation shall have his Licence withdrawn, and be prohibited from practising in future.

3dly. No Apothecary is on any pretence to practise as a Physician, Surgeon, or Man-Midwife, under pain of being deprived of his Licence, but it is not the intention, by this Regulation to prevent an Apothecary affording Surgical or Medical aid in cases of accident or sudden Illness where more regular assistance cannot be immediately procured.

4thly. No Merchant, Trader, or Dealer, is to be allowed to vend any Drugs or Medicines in this Colony, without having first submitted the same to the Inspection of the Supreme Medical Committee and obtained a Certificate from the said Committee of the quality of such Drugs or Medicines, under a penalty of 500 Rix Drs.; and a like penalty will be incurred by any Person purchasing such Drugs or Medicines without having

first ascertained whether they have been examined as hereby directed.

5thly. In order to induce the regularly educated part of the profession to remain in the Colony, the under-mentioned Tariff of Fees to be taken by them, is in future to be adhered to; and to protect the public from any imposition on the part of the Apothecaries, a Schedule is subjoined regulating the price which they are henceforth to be allowed to charge for compounding Medicines; any infringements of the provisions whereof will subject the party to a forfeiture of his Licence.

Fees of a Physician Practising in Cape Town.

For each Visit to a family in Town	Rix	Ds.	1
For the same in the vicinity	"		2
For the same in the night	"		3
For a consultation	"		6
For a visit of one Hour's distance from the Town	"		4
For the same to Wynberg and Vicinity	"		6
For the same to Houtbay, Tygerberg, Koeberg or their Environs	"		16
For a visit out of the Town during the night, or to remain a night	"	6 extra	

Fees of a Surgeon.

For a visit in Town	Rix	Ds.	½
Same in the vicinity	"		1

In the other Cases, the same as the Physicians.

Schedule Regulating the price of the labour of compounding of Medicines.

	Sk.	St.
For a decoction, not exceeding 16 Ounces	2	0
For ditto ditto, to 24 Ounces	3	0
For an infusion, not exceeding 8 ounces	1	2
For ditto ditto, to 24 Ounces	1	4
For a mixture, Emulsion, Draught, Tincture or Electuary	1	0
For half an Ounce of Pills	2	0
For an Ounce of Pills	4	0
For a powder	0	2
For preparing and mixing species from two to four Ounces	1	0

6thly. In order to prevent confusion and serious mistakes in the compounding of Medicines, it is directed, that the *Pharmacopeia Londinensis* only be used in this Colony after the 1st of January next.

7thly. The Country Practitioners are considered under precisely the same Regulations with respect to their Licences as those in

this Town. And the Government Advertisement before alluded to has notified such as have permission to practise.

The *temporary* Licences however must be renewed by the first of January next. Any practitioner in the Country Districts acting contrary to the Provisions of this proclamation will be liable to the penalties herein specified.

But, in as much as in the present state of the Settlement it is not possible to separate the different branches of the Profession in the Country Districts, the 2d and 3d Articles of this Proclamation are not to be considered as having reference to Country Practitioners ; but they are to be allowed Fees only at the rate hereafter specified.

Fees of the Country Practitioners.

For each visit in the place of his residence	.	.	.	.	Rix Drs.	½
For half an hour's ride from the same	.	.	.	.	"	1
For each hour's distance from the same	.	.	.	.	"	2
For a visit out of the Village during the night, or to remain the night	.	.	.	.	„ extra	6

Those who prepare Medicines, to charge the same for their labour as the Apothecaries in Cape Town.

Given under my Hand and Seal, at the Castle of Good Hope, this 18th day of August 1807.

(Signed) CALEDON.

[Copy.]

Government Advertisement.

Notice is hereby given, that in consequence of a representation from the Landdrost and Heemraeden of Stellenbosch, His Excellency has thought proper to authorize them to fix the following Tariff, to be complied with by all persons passing the Lower Great Berg River, at the Ferry of L. Botma.

For a loaded Waggon from either side of the River 1 Rix Dollar.

For an empty Waggon, ditto 4 skel.

For a Coach, Barouche, or any four wheeled conveyance, 4 skel.

For a Cart, Gig or any other Carriage with Two wheels, 2 skel.

A Foot Passenger, 1 skel.

A Horse, Ox or Mule, 1 skel.

A Sheep or Goat 1 stiver.

A Flock of Sheep or Goats exceeding 50 in number, 1 Rd. for the flock.

Castle of Good Hope, 28th August 1807.

By Command of His Excellency the Governor.

(Signed) A. BARNARD, Secretary.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARSDEN, ESQRE.

Polyphemus, off MONTE VIDEO, 31st August 1807.

SIR,—Having received accounts from Buenos Ayres, that seven hundred of the 71st Regt. and other Prisoners were to be there by the 26 of this Month, and not having Transports enough to receive them, Captain Irwin the Agent of Transports requested I would give him Directions to take up Merchant Vessels for that purpose; only one has offered, the *Eleanor* of 270 Tons, which he has taken at 30/- per Ton a Month for four Months certain. And as there is a large Prize Ship which will carry nearly 250 Men which the Captors wish to get to England, as she must have been destroyed on our leaving this place if not taken away, I have commissioned her as an Armed Transport commanded by a Lieutenant, with a Complement of 35 Men (the Captors having offered her free of Expense to England). I have appointed Lieutenant Taylor of the *Nereide* to command her as Lieutenant, and have ordered men from the Squadron to fit her out and take her to England.

I have thought it necessary to order all such Prizes as can be fitted out as Cruizers, and that cannot be taken away, to be destroyed, and some of them were yesterday towed out of the harbour and set fire to.

The Transports with the 89th Regiment, the *Sarah*, Transport laden with the Stores that were in this Arsenal, and a Transport having the *Collingwood's* Cargo on board have been under the Orders of the *Cormorant* to go to the Cape of Good Hope for some time, but General Whitelocke has desired that the Troops may

not go from hence till the Evacuation of Monte Video. So many of the Troops being kept constantly embarked makes the expense of Victualling by the Agent Victualler amount to a considerable sum, which I have often represented to the General, who does not think it right to land them.

I mentioned in my letter of the 8th Inst. that I had till their Lordships pleasure was known Commissioned the *Fuerte*, one of the Spanish Ships of War captured at Monte Video, which would have been burnt with the rest if not taken away, and appointed Captain John Thompson of the *Fly* to act as Captain of her, on the Establishment of a twenty Gun Ship. She came out of the harbour yesterday.

One hundred and eighteen Marines and Seamen that were taken with General Beresford are just arrived from Buenos Ayres, ten came before, and six hundred and twenty-three Men, Women, and Children of the 71st Regiment and others are now on board of Vessels at Buenos Ayres to come down. A Supply of Biscuit is likewise coming, without which we could not leave this place, as the constant supply to the Transports has taken up more than could be baked at Monte Video, so as to leave a sufficient quantity for sea. I have etc.

(Signed) GEO. MURRAY.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 5 Sept. 1807.

MY LORD,—I transmit to your Lordship herewith the Copy of a Memorial from Baron Van Hogendorp, which has been delivered to me by Mr. Wilberforce, relative to the formation of a Settlement which he had proposed to establish near Plettenberg Bay, and as the Baron seems to have determined not to prosecute his original Undertaking, I am to desire that you will afford him every aid in your power in winding up his affairs, and that as far as his Plan or any part of it can be applied to the advantage of the Settlement it should be acted upon. I have etc.

(Signed) CASTLEREAGH.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARDEN, ESQRE.

Polyphemus,
OFF MONTE VIDEO, 8th of September 1807.

SIR,—In compliance with their Lordships Orders to send back the St. Helena Corps that came to this Country with Brig^r General Beresford, I have to inform you that eight Officers and One hundred and eighteen Soldiers of that Corps arrived from Buenos Ayres on the 6th Instant, and I have ordered Captain Thompson of the *Fuerte* to receive on board five Officers and fifty Soldiers and proceed with them to the Island of St. Helena; the others I have directed to be sent to the *Woolwich* (which Ship I have unavoidably been obliged to keep here to victual the Ships of War and Transports) to be conveyed by her to the Cape of Good Hope, and from thence to be sent by the first opportunity to the Island of St. Helena. Such provisions as there has not been occasion to take out of the *Woolwich* will go to the Cape. I shall direct the *Woolwich* to be sent from thence to Spithead as soon as she is cleared.

The Number of Prisoners stated to have been received by Major Nicholls, who remains at Buenos Ayres by Order of Lieut. General Whitelocke for that purpose, is as follows, viz.—

69 Officers,
21 Merchants and Masters of Vessels,
740 Soldiers,
266 Seamen and Marines,
65 Women,
66 Children.

Total 1227

I mentioned in my letter of the 31st of August my having taken a large Prize Ship (which the Captors offered free of Expense to England for a Transport) and appointed Lieut. Tailour of the *Nereide* to command her as an armed Transport with 35 Men lent from the *Polyphemus* and *Africa* to navigate her. She has now on board 250 Officers and Men of the 71st Regiment. Another Ship was taken up by Captain Irwin the Agent at 30 shillings a ton per Month, for four Months certain: by which means I hope

there will be Transports enough, but, as one must be left as a Cartel to receive such of the Prisoners as are not yet arrived from the Country, the Troops will be crowded. The Officers, Seamen and Marines, as well as many of the Merchants and Masters of Vessels, are on board the Ship of War.

The Term of the Truce being expired Lieut. General Whitelocke and the Commander of the Spanish Troops on the North Side of the River have agreed that as the Wind is not fair for the Transports to go out of the Harbour, nor all the Bread arrived from Buenos Ayres, not to commit hostilities. The Troops will embark as soon as the Wind comes fair; and the Transports proceed up the River to complete their Water and sail from thence to England.

I have ordered the *Haughty* Gun Brig to take a small Convoy to Barbadoes and to sail immediately. The *Cormorant* and *Staunch* will sail as soon as the Wind will permit with the 89th Regiment and a part of the 47th and part of the 87th Regiments, the *Sarah* Transport with all the Stores that were embarked from this Arsenal, and the *Mary Ann* having a great part of the provisions and Slops which came out with the *Collingwood*, likewise the *Flora* Army Victualler, to the Cape of Good Hope.

Captain Corbet of the *Nereide* has Orders to take the *Charwell* and *Hermes* under his Orders, to remain in this River as long as their provisions last, reserving enough to go to the Cape of Good Hope. I have likewise written to the Officer commanding His Majesty's Ships and Vessels at the Cape to send a reinforcement, and if possible a two deck'd Ship. I have etc.

(Signed) GEO. MURRAY.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 9 Septr. 1807.

MY LORD,—Your Lordship's several Letters of the 30th of May and 7th of June were yesterday received and have been laid before The King.

I am happy to find that your Lordship received the Government of the Colony in a state so well affected & prosperous, and I have no Doubt it will improve in both these respects during your Lordship's Administration.

I shall immediately refer your Proposal, with regard to a Court of Appeal in Criminal Cases, to His Majesty's Law Servants; and a full Investigation shall be made of Mr. Tennant's Claims, which seem to deserve attention and Remuneration.

I am to express my Approbation of your Lordship's continuing the Board of Agriculture upon the Principles of œconomy you propose.

With respect to the Funds of that Board which were seized as Prize, and the other articles claimed as Booty by the Captors, and which upon the first View they do not appear to have a Right to appropriate, the whole will be referred to His Majesty's Advocate General.

I have transmitted to your Lordship in my letter of the 5th Inst. a Representation from Baron Van Hogendorp, there being no trace in this office of any former Reference upon the Subject. The Report you have transmitted upon his former Statement seems to do away most of his Claims upon the Colony, but I still wish that every facility and consistent assistance should be given him in winding up his Affairs. With regard to the Grant of Land which was made by Genl. Baird out of the Tract which had been set out by the Baron, I know not of any Right or Authority which the General possessed in making such a Grant, and I must therefore desire you will intimate to Mr. Grand as well as to Duriez that they must consider themselves merely, for the present, as occupants, and liable to be removed on the Signification of His Majesty's Pleasure.

In a letter from Lt. General Grey, he requests to be allowed Salary till your arrival at the Rate which has been fixed for your Lordship, but His Majesty's Pleasure was signified to him upon this point in my Dispatch of the 30th of May last, which placing him upon the footing of Genl. Baird, will I hope be satisfactory.

I am also sorry that I do not find it in my power to agree to the Request of Captn. Smyth for an Increase of allowance to him whilst acting Secretary under Lt. General Grey.

I have intimated to Lt. General Grey that His Majesty is graciously pleased to confirm his appointment of Mr. Dashwood to

be Receiver General of the Colonial Revenues, but Mr. Dashwood is to be informed that Residence is to be attached to the Situation.

I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to LIEUTENANT GENERAL GREY.

DOWNING STREET, 9th Sep. 1807.

SIR,—Your letter to Mr. Windham of the 30th May last has been received and laid before the King, and I have the satisfaction to acquaint you that your Conduct during your presiding in the Civil Govt. of the Cape of Good Hope has received His Majesty's Approbation.

You will have received my letter of the 30th of May, declaring the Salary you will be permitted to draw for your Maintenance as Civil Governor of the Cape of Good Hope. And I am sorry that I cannot consistently extend it according to your Wishes for the Reasons therein stated, Nor do I think it right to consent to the Claims of Captain Smyth, who, however Meritorious in the discharge of his Duty, seems upon the general Principles of Service to have been sufficiently paid by having received a Salary at the Rate of £1500 a year in addition to his Military appointments.

It appears from your letter that you have appointed Mr. Dashwood to be Receiver General of the Colonial Revenues in the Place of Mr. Bergh, and under all the circumstances of the Case, I am to signify His Majesty's Approbation of this appointment.

With regard to the Clothing of the Cape Regiment, Clothing for 500 Men was shipped on Board the *Experiment*, Captn. Basset, on the 30th Decr. 1806, and for 300 more on board the *Venus*, Captn. Johnston, on the 24th Apl. 1807. I shall confer with His Royal Highness The Commander in Chief with regard to the Alteration in the Colour of the Clothing for the future which you propose. I have etc.

(Signed) CASTLEREAGH.

[Original.]

Letter from REAR ADMIRAL MURRAY to WILLIAM MARSDEN, ESQRE.

Polyphemus, OFF MONTE VIDEO, 10th Septmr. 1807.

SIR,—By my letter of the 31st Ultmo. and the 8th Inst. Their Lordships will be informed of what has passed here to that period.

Polyphemus, Africa, Daphne, Fly, Encounter, Steady, Protector, Flying Fish. I have now to request you will inform their Lordships that the Troops evacuated Monte Video yesterday. The Transports are gone up the River to complete their Water; as soon as they are complete I shall sail with them, a Convoy of Merchant Vessels, and the Ships and Vessels of War named in the Margin, for England.

The *Cormorant* and *Staunch* sailed yesterday with the Cape Convoy. I enclose a Copy of my letter to the Commanding Officer of His Majesty's Squadron at the Cape by which their Lordships will be informed of the Orders given respecting the Store Ships &c. The *Camel* will sail as soon as the Wind permits, and the *Woolwich* when her Water is complete.

It being necessary that a Transport should be left off Buenos Ayres for such Prisoners as may arrive from the Country, Lieut. Thomas, Agent of Transports, will remain in the *Campion* for that purpose. I enclose a Copy of this Order.

Lieut. General Whitelocke having represented the necessity of sending to Rio Janeiro Don Saturnino Rodriguez Peña with his family, to prevent their being sacrificed if left here, as he effected the Escape of General Beresford, I have ordered Lieut. Taylor of the *Olympia* to take him and his family, and after landing them at Rio Janeiro to return to this River and put himself under the Command of Captain Corbet of the *Nereide*. I have etc.

(Signed) GEO. MURRAY.

[Original.]

Letter from REAR ADMIRAL MURRAY to REAR ADMIRAL SIR THOMAS TROUBRIDGE or the Senior Officer of H. M. Ships & Vessels Cape of Good Hope.

Polyphemus, off MONTE VIDEO, 10th Septr. 1807.

SIR,—I have ordered the *Woolwich* & *Camel* Store Ships to proceed to the Cape of Good Hope, as soon as their Stores & Provisions are landed you will Order them to proceed to Spithead.

The *Woolwich* has on board a part of the St. Helena Corps who were Prisoners at Buenos Ayres, & who are directed by the Lords Commissioners of the Admiralty to be sent to the Island of St. Helena. You will direct them to be sent the first Opportunity.

The *Cormorant* and *Staunch* with Transports having the 89th & part of the 47th & 87th Regiments on board sailed yesterday, but have again Anchored for want of Wind. The *Sarah* Transport having the Stores on board which were in the Arsenal of Monte Video, and the *Mary Ann* with Provisions for the Navy brought out by the *Collingwood*, and some slops, are in the *Cormorant's* Convoy.

I have directed Captain Corbet of the *Nereide* to take under his Orders the *Hermes* & *Charwell* and remain in this River as long as their Provisions will last (having about five Months), reserving enough to proceed to the Cape of Good Hope with. You will send a Reinforcement to them, and if the Service of the Cape will permit, a Line of Battle Ship.

The *Olympia* Cutter I have ordered to Rio Janeiro with a Spanish Family by request of General Whitelocke, which Family it is said would have fallen a sacrifice if left here (as the Father came from Buenos Ayres with General Beresford) and to return to this River under Captain Corbet's Orders.

The Troops Evacuated Monte Video Yesterday, and the Transports are now going up the River to Complete their Water, after which I shall proceed with them to England. Upwards of 1,200 Prisoners taken with General Beresford have been sent and are now embarked on board the Transports and Ships of War. The *Fuerte* Prize Ship of War taken into the Service is ordered to St. Helena with part of that Corps, from thence to England. I have etc

(Signed) GEO. MURRAY.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas by an Order in Council, bearing date at the Queen's Palace the 11th June 1806, His Majesty was pleased, among other things contained in the said Order, to declare it to be His pleasure that no Goods, Wares or Merchandise, which should be imported into the Settlement of the Cape of Good Hope, or the Territories or Dependencies thereof, from any part of His Majesty's Dominions, should be subject to any duty: and His Majesty having taken into His Royal consideration the present state of the Trade, Commerce, and Revenues of the said Settlement, and the Territories and Dependencies thereof, is pleased, by and with the advice of His Privy Council, to revoke so much of the said order in Council of the 11th June, 1806, as exempts from duty any Goods, Wares, or Merchandizes, which shall, after due notice has been given, be imported into the said Settlement, or the Territories or Dependencies thereof, except Goods, Wares or Merchandizes, the growth, produce, or manufacture of Great Britain or Ireland; and that so much of said order shall cease and determine from and after the time that due notice thereof shall have been given. And His Majesty has been further pleased to declare, that it shall and may be lawful for the Governor of the said Settlement and the Territories and Dependencies thereof, for the time being, to impose on all Goods, Wares and Merchandise, not of the growth, produce, or Manufacture of Great Britain or Ireland which shall be imported into the aforesaid settlement from any part of His Majesty's Dominions, after such notice has been given, a duty not exceeding Fifteen p. Ct. on the value thereof to be rated and collected in the same manner as now in use in this Settlement, from and in Ships and Vessels belonging to the subjects of Countries and States in amity with His Majesty, and upon the Goods, Wares or Merchandise imported in the same, provided that the time for imposing such duty shall not be less than Six months from the issuing of the proclamation to that effect, and provided also that the rate of duty imposed on the importation of Goods (not the growth, produce or Manufacture of Great Britain or Ireland) from any part of His Majesty's Dominions when so imported in British built Vessels, Owned and Navigated according to Law, shall in no case

be so high as that which shall be imposed on the like goods, Wares and Merchandise so imported in the Vessels of Foreign States.

I do therefore in pursuance of the said Order in Council, and by virtue of the powers and authorities in me vested, hereby order and direct, that from and after the date of these presents, all Goods, Wares, and Merchandise, the growth, produce and Manufacture of Great Britain or Ireland, which shall be imported in British Vessels into this Settlement or the Territories or Dependencies thereof, from any part of His Majesty's Dominions, Owned and Navigated according to Law, shall be admitted to an entry free of duty.

And I do hereby further publish and make known to all whom it may or shall concern, that at the expiration of Six months from and after the issuing of these presents, all Goods, Wares and Merchandise, not of the growth, produce or Manufacture of Great Britain or Ireland, which shall be imported into this Settlement, or the Territories and Dependencies thereof, from any part of His Majesty's Dominions, in Ships and Vessels belonging to the Subjects of Countries in Amity with His Majesty a duty of Fifteen p. Ct. *ad valorem* shall be paid, to be rated and collected in the same manner as now in use in this Settlement. But on the importation of all such Goods, not of the growth, produce, or Manufacture of Great Britain or Ireland, when imported in British built Vessels, Owned and Navigated as by Law directed, a duty of Five p. Ct. only shall be imposed, to be rated and levied in the manner as before specified.

Given under my Hand and Seal, at the Castle of Good Hope, this 18th day of September 1807.

(Signed) CALEDON.

[Original.]

Letter from REAR ADMIRAL CHARLES STIRLING to WILLIAM MARSDEN, ESQRE.

Diadem, CAPE OF GOOD HOPE, 20th Septr. 1807.

SIR,—As the *Orion* Merchantman is to sail from Table Bay for England without Convoy, I have the honor to acquaint you for

the information of My Lords Commissioners of the Admiralty, that I arrived at this anchorage on the 1st with the *Raisonable* and six Transports having the 47th and 87th Regts. on board, and a Merchantman, after a very boisterous passage of 30 days from the Rio de la Plata.

The *Greyhound* came here on the 7th, having left India the 23rd of June to look for the *Blenheim* and *Java*, which I am sorry to say Captain Troubridge has not obtained any intelligence about.

The *St. Albans* arrived here on the 15th Inst. with the *Warley* and *Wexford* Indiamen, which want repairs. The *Lion*, with ten Indiamen from China, arrived in Table Bay yesterday.

My intentions are to order Transports to convey the 47 Regt. to Madras, which the *Greyhound* will accompany so soon as some requisite repairs are finished, but I defer giving my reasons for this measure, and writing more fully, until a King's Ship sails hence, which will be in a few days. I have etc.

(Signed) CHARLES STIRLING.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 23rd September 1807.

MY LORD,—It having been represented to me by His Majesty's Fiscal that the circulation of Paper Money has suffered very materially from the frequent forgeries practised upon it, and it being suggested that this abuse may in a great measure be rectified by the introduction of Paper the manufacture of Great Britain, I am to request your consideration upon this subject, and should the measure be approved of, I beg that you may be pleased to give directions that 400,000 pieces, of a similar size and quality to the enclosed, may be sent to me; a finer sort being more easily worn out and defaced by the Hottentots and Slaves.

But, as it has been customary to vary the colour of the Back of the paper, according to the Value of the piece of Money issued;

I should be glad that the above quantity may be thus distinguished:

50,000 pieces the Backs of which should be stamped Yellow.
 50,000 pieces as above Green
 100,000 , , , , Red
 100,000 , , , , Blue
 100,000 , , , , Black

400,000

And as, upon a New issue of Paper Currency it appears no longer proper to make use of the Arms or devices of the late Batavian Government; I am to request that Stamps, of a similar nature to the one which accompanies this may be prepared with such device as may be considered most appropriate to the present circumstances. The number of Stamps required will be Eighteen, in consequence of it being necessary to express the value of the note upon each Stamp and the Notes in circulation being of the following value, viz.

Rix Dollars	.	.	.	500	Rix Dollars	.	.	.	.	.	30
"	.	.	.	400	"	.	.	.	.	.	25
"	.	.	.	300	"	.	.	.	.	.	20
"	.	.	.	250	"	.	.	.	.	.	10
"	.	.	.	200	"	.	.	.	.	.	5
"	.	.	.	100	"	.	.	.	.	.	4
"	.	.	.	75	"	.	.	.	.	.	3
"	.	.	.	50	"	.	.	.	.	.	2
"	.	.	.	40	"	.	.	.	.	.	1

I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 23rd September 1807.

MY LORD,—Mr. MacLean, the Collector of Customs in this Colony, has made application to me for the annual allowance of £200 Currency for House Rent. His claim is founded upon what he states to have been the case during the administration of Lord

Macartney, Sir Geo. Yonge, and General Dundas; but, as there is no document in the Office by which such an allowance appears to have been granted, I have withheld acceding to the request until I am acquainted with Your Lordship's decision.

The Collector of the Customs, the Comptroller of the Customs, and the Auditor of Accounts, were appointed with a Salary of £1000 pr. annum each; there is no Extra allowance attached to the latter Offices, and the Claim of the former rests upon the necessity he is occasionally under of going to Simons Bay.

If your Lordship should judge Mr. MacLean entitled to it, I beg it may be considered as an encrease of Salary, as I have already found it expedient to check some allowances of a Similar Nature, and as I presume it is your Lordship's wish that the door should be closed as much as possible to Extra allowances and contingent accounts. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 23rd September 1807.

MY LORD,—The 26th Article of the Instructions which I received under the Royal Sign Manual acquainted me that a Commission for Trying Pirates will be prepared empowering me with others therein mentioned to proceed accordingly.

I am to apprise Your Lordship that I have not yet received the Commission, and therefore suggest the necessity of its being forwarded. I have &c.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 23rd September 1807.

MY LORD,—In consequence of the expences of the Cape Regiment from its encreased number being so heavy upon the Colonial Treasury, I have judged that it will not be deemed improper to

pay through the hands of the Deputy Commissary General those allowances termed *Extraordinaries*, and have therefore given orders to that effect.

I trust that this arrangement will not be contrary to your Lordship's intentions, as Mr. Windham's Letter merely directed that the subsistence of the Corps should be paid out of the local revenues of the Colony, and I hope upon this as upon a former proposition I made respecting the Establishment of the Corps, that I shall be honor'd with His Majesty's determination. I have &c.

(Signed) CALEDON.

[Original.]

Letter from MR. A. BARNARD to A. J. BENN, ESQRE.

CASTLE OF GOOD HOPE, 23rd September 1807.

SIR,—I have to acknowledge the receipt of your Letter of the 11th of May, acquainting me of your having provided, agreeable to the orders received from Mr. Secretary Windham, Materials to complete the Clothing required for the augmentation of the Cape Native Infantry Regiment, and likewise of your having sent out 500 Musquets, and 500 sets of accoutrements for said Regiment, enclosing at the same time the Invoice, bill of Lading for the before mentioned Articles, being shipped on Board the *Venus*, which Ship I hope will arrive safe, as the clothing in particular is much wanted. I am etc.

(Signed) A. BARNARD, Secretary.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 24th September 1807.

MY LORD,—Mr. Fagel upon his arrival here waited upon me and produced His commission together with your Lordship's Letter directing Me to appoint Him His Majesty's Vendue master in this Settlement. As that Commission did not express that

Mr. Fagel was to enjoy any exclusive rights and as the situation of Vendue Master (as will appear by the accompanying proclamation) has been long since opened to any person who shall give security and take out a licence, I did not think that it was your Lordship's intention that those Gentlemen, Mr. Matthiessen & Mr. Zervogel, who have paid for and received from the late acting Governor their Licences to act, should be immediately dispossessed, and I therefore declined giving Mr. Fagel those powers He wished for until I am further acquainted with His Majesty's pleasure.

As I conceive it to be your Lordship's desire that Mr. Fagel should in the interim receive the protection of this Government I shall appoint Him to act as Comptroller of the Customs until the arrival of Mr. Raynsford. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 24th September 1807.

MY LORD,—I have the honor to acknowledge the receipt of your several Dispatches by His Majesty's Ship *St. Albans*, viz. a Letter respecting the Colonial Granary and Corps of Drivers attached to the Guns, His Majesty's order in Council for regulating the duties to be levied on the imports into this Settlement, and instructions for the guidance of My conduct in observing the rights of the East India Company. Together with this your Lordship will receive the Proclamations and Government Advertisements issued between the 25th of July and 18th of September inclusive, and it will appear by the Proclamation bearing date the 18th Instant that His Majesty's Order in Council has been already acted upon, due attention will in like manner be paid to the other Instructions.

I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, September 24th 1807.

MY LORD,—The homeward bound China Fleet under Convoy of His Majesty's Ship *Lion* having touched here, and the Burgher Senate having represented that the Colony was in want of some articles the Manufacture of China, I have permitted the importation of a small proportion upon the application of those Captains whose Ships required repair and who proposed that means of defraying the Expence.

I have not however sanctioned the admittance of Tea or any article that I thought would interfere with the East India Company's trade and consequently tend to its disadvantage.

By the return of the *Lion* to England an opportunity is afforded of sending the proportion of Constantia Wine which belongs to His Majesty's Government, the particulars of which will be stated by the Deputy Commissary General. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, September 24th 1807.

MY LORD,—Rear Admiral Stirling with a Squadron of His Majesty's Ships consisting of the *Diadem*, *Raisonable*, and *Paz* Schooner, together with Six Transports having on board the 47th and 87th Regiments, sailed from the Rio de la Plata on the 2nd of August and arrived here (with the exception of the *Paz* Schooner) on the 1st of September, when the Rear Admiral assumed the command of His Majesty's squadron in these seas.

Your Lordship is probably apprized that the Original destination of the 47th Regiment was the East Indies and that Sir David Baird detached it upon another Service, as that service is at an end and as the Governor General in Council in a letter addressed to this Government has strongly urged the necessity of sending it

or substituting another, I have stated to Rear Admiral Stirling the expediency of forwarding it without loss of time to Madras.

It is therefore intended that the Regiment should immediately proceed in Transports under Convoy of His Majesty's Ship *Greyhound*, an arrangement that I hope will meet your Lordship's approbation. I have etc.

(Signed) CALEDON.

[Original.]

*Letter from MR. W. S. VAN RYNEVELD to the
EARL OF CALEDON.*

CAPE TOWN, 24th September 1807.

MY LORD,—As I now understand that there is an Opportunity for England, I take the Liberty to represent to Your Excellency the Circumstances I feel myself in as Father of a large family consisting in Eight Children.

I flatter myself that my attachment to the British Government, founded on that to my Country under its former Government, is well known to Your Excellency; an attachment that deprived me of every provision under the late Batavian Government.

As to my services from the year 1795 to 1803, in the very Critical Situation of this Colony during that period, as well as from 1806, I will not Speak of, leaving that point to the judgment of the different Governors who witnessed it. I can only say my official capacity has not afforded me the means of making any provision for my Children, and I can thus only look up to the British Government for their protection. My second son is at the Military College at Marlow, and I am sufficiently satisfied about him, My eldest son, Daniel Johannes van Ryneveld, 19 years of age, is still with me, and I begin to be much at a loss in what manner I shall provide for him. I therefore take the liberty to recommend him to Your Excellency as a Young man of a good Disposition & Moral Character, and to say, that if thro' Your Lordship's Interest a Writership could be procured for him in the Service of the Company, how much it would lighten my Mind of the Burthen which has for some time oppressed me.

I beg My Lord You will excuse my taking the liberty of

recommending this to Your Excellency's Consideration, and beg leave to say, that I shall never be wanting in gratitude to Your Lordship or Government at home, for the accomplishment of my Wish. I have etc.

(Signed) W. S. VAN RYNEVELD, Fiscal.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, September 24th 1807.

MY LORD,—MR. Van Ryneveld His Majesty's Fiscal having laid before me the Letter which I have the honor to enclose I can not in justice to what I conceive to be his deserts avoid submitting it to your Lordship's consideration.

The conduct of Mr. Van Ryneveld during that period when the Cape was formerly a British possession is probably not unknown to your Lordship. Lord Macartney bore testimony to his private and public worth, and the several acting Governors who preceded me, I may venture to advance without exception, have likewise expressed their entire approbation of the Zeal and integrity with which he discharged the duties of his Office.

From His firm attachment to the British interest and British connexion he was upon the reversion of the Colony to the Dutch Government dismissed his office, And upon the capture by Sir David Baird from the same cause was reinstated.

Judging that it will be thought not unadvisable to confer such an obligation, and by that means to show to the Inhabitants the consideration and paternal regard of His Majesty for his well disposed subjects in this Settlement, I have submitted and beg to recommend the request contained in his Letter. I have etc.

(Signed) CALEDON.

[Original.]

*Letter from MR. JOHN MURRAY to the RIGHT HONOURABLE
VISCOUNT CASTLEREAGH.*

COMMISSARY GENERAL'S OFFICE,
CAPE OF GOOD HOPE, 25th September 1807.

MY LORD,—I have the honor to enclose to your Lordship an Invoice and Bill of Lading of Thirty Aums of Constantia Wine, being part of the quantity due by the farms of Constantia to Government for the present year, which I have shipped by order of the Commander of the Forces on board His Majesty's Ship *Lion* and consigned to your Lordship for the use of His Majesty. Twenty Aums remaining in my charge will be forwarded by the next secure opportunity. I have etc.

(Signed) JOHN MURRAY.

[Original.]

*Letter from REAR ADMIRAL STIRLING to WILLIAM MARSDEN,
ESQRE.*

Diadem, CAPE OF GOOD HOPE, 25th Septr. 1807.

SIR,—I had the honor to write to you some days ago by a Merchantman, which I send a Duplicate of herewith.

My Instructions from Rear Admiral Murray having directed me to bring the 47th and 87th Regts. here, from whence they were to be conveyed to India by the Company's Ships, I was desirous of sending home the Transports which brought them, but the Governor and General Grey having represented in strong terms the necessity of the 47th Regt. going to Madras without loss of time, and thinking that under existing circumstances the Troops may be useful, I have determined to send four Transports with them, so soon as I can repair some Defects of the *Greyhound* that are absolutely necessary, which will take the greatest part of next week to accomplish with all our exertions. To make her fit for an active service would require a home yard.

I have written to the different Boards about their respective Departments, and I presume my Lords Commissioners of the Admiralty will have less trouble in making references to them

for such information as I am enabled to give, than from my giving a detail in this letter. It may however be necessary for me to observe that from this station being long without a Commander in Chief, a great deal is necessary to be done, as well in examining accounts as in making necessary arrangements, and it will require the utmost exertion of the Admiral whom their Lordships may think proper to succeed me, to take care that the money drawn for Naval purposes is not wasted, as the disposition to Impose would appear great, from the general extravagance of the people in the Colony.

The *Diadem* turns out in caulking much worse than was expected, and the Master Shipwright is of opinion she cannot be made effective here, and that it would not be advisable to send her home in the winter season. The state of the *Raisonnable* cannot as yet be perfectly known, altho it appears from present report we can repair the Defects stated, but several weeks must elapse before the two ships can go round to the other Bay, and then they ought not to cruise, except an enemy should be on the coast.

The *Harrier* makes a good deal of water from parts of her bottom being worm eaten, as it is supposed from the copper being found defective. The Master Shipwright objects to an attempt to heave her down here. I shall therefore hope their Lordships will be pleased to give directions respecting the disposal of these ships, when the season is favorable for their returning home. I know not what force is coming from the Plata, except the *Camel* and *Staunch*, and as the former will proceed for England so soon as she is cleared, it will be seen I have not a cruiser to watch the motions of *La Piémontaise* when she completes her equipment at the Mauritius.

Captain Troubridge informs me that he called at the Isles of France and Madagascar, with the Islands in those seas, to look for his Father, but altho' there were accounts that ships in distress had been seen, I do not think they can be depended on, or give the least reason to hope the Rear Admiral was able to reach any port. Captain Troubridge likewise acquainted me that he had intelligence off Bourbon that the *Sceptre* had ransomed two ships off there, some weeks before his arrival. The *Sceptre* is supposed to have sailed from India for this place, and as she is represented to have been at that time in bad condition, I am anxious to hear more about her.

I am sorry to say that I have not had any accounts of the *Paz*, and much fear she foundered the night I left the Plata, as we had a heavy gale of wind with a very cross sea.

Captain Rolles of the *Lion* having stated that his people have a tendency to Scurvy, and the Captains of the Indiamen wanting refreshment for their crews, I gave permission for their staying till tomorrow, and shall send over directions this evening for their proceeding to St. Helena, and the Downs, agreeable to their Lordships orders.

The *St. Albans* would have sailed so soon as her water was complete, but there being reason to expect that four Indiamen were to sail from Bombay about the 10th July under convoy of the *Grampus*, who was to send them on here, I shall detain Captain Austen so long as I think there is reasonable expectation of the Indiamen getting thus far, and then send him on to St. Helena, with orders which it may appear advisable to give.

If their Lordships should think I ought to keep one of these sound ships, and return one of those defective, I beg to observe I could not get either of them ready in a reasonable time, if even the season was favourable, and as it is most probable the disaster in South America is known in England, I think their Lordships will more satisfactorily make an arrangement for this station, whilst they can calculate with some certainty on the return of ships sent abroad.

The Captains of the *Warley* and *Wexford* Indiamen, which came here with the *St. Albans*, have applied to me for a Convoy to Madras, and I have observed, that altho' the Troops on board of them are much wanted, it is necessary for them to proceed without delay, yet I will give permission for them to go with the *Greyhound* and Transports, which I imagine will be as soon as the Indiamen are ready. The season of the year is much against ships going on the coast of Coromandel, and will require consideration whether it would not be better for them to go to Penang, and wait there until there is a probability of landing at Madras with safety, than to hazard the consequences at the change of the monsoon.

I send the State and Condition of the Squadron with the arrangement. I have etc.

(Signed) CHARLES STIRLING.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, October 8th 1807.

MY LORD,—I have the honor to address your Lordship upon the subject of Government Bills, as being one of considerable importance to this Colony at large as well as to the private interests of the Civil Servants of its Government.

I shall briefly state what was the method observed by the late Batavian Government, the practice of the former British Government, and the alteration I am about to submit.

The Batavian force in this Colony was paid and subsisted by the Republick.

The Governor and Counsellors by public Advertisement used to declare their intention of drawing upon the Asiatic Council in Holland for the sum required, specifying that the bills would be drawn at 3 Months sight and at the fixed premium of 25 per Ct., and any person wishing to obtain a Bill registered the amount required in the Colonial Secretary's Office.

In the ensuing ordinary Council, the Governor and Counsellors determined the proportion in which drafts were to be granted to the several Individuals who had made their requisitions, and a preference was given to the Orphan Chamber in behalf of its pupils, to others having occasion to remit Money for the Maintenance and education of their Children in the Batavian Republick, and finally to those who appeared most deserving the protection of Government.

Exclusive of this arrangement, was another by which a certain Sum was set apart for the Company's Servants, assigning to each Class of them a certain proportion.

Previous to the surrender of the Colony in the Year 1795, where the Revenues fell short of the expences, the Balance was procured by Bills on Holland at $8\frac{1}{2}$ per Ct., and a quantity of such Bills, to the amount of 100,000 Guilders or £8658 0s. 2d. was reserved for the purpose last mentioned.

In pursuance of this precedent, the Earl of Macartney, when he established the Civil Government here, directed the Deputy Pay Master General, when he had occasion to draw Bills on England, to enquire of such Civil Servants as received their Salaries in

Sterling Money, which was solely those sent out from England, what sum each of them had to remit home, and he received paper Money from them for his bills, at the same rate of Exchange that the salaries were paid, which was always according to the rate that the Paymaster drew his bills; by this means the Civil servants were prevented from being losers by their Salaries being paid in paper Money instead of Coin, and they were not under the necessity of asking favours from those who had the power of drawing Bills, or of having recourse to Trade, in order to procure a remittance for any Sum that might remain unexpended of their salaries at the end of the Year.

According to the present practice, the Deputy Commissary General is the sole person authorized to draw Bills on His Majesty's Treasury, which he disposes of in what manner he judges best. By Your Lordship's Letter addressed to the Chairman of the East India Company, bearing date the 22nd May, it appears that the Depy. Commissary General is to receive from the Company's Agent as much of the paper currency of the Country as he (the Agent) may receive in payment of his Sales on the Company's Account, and that Bills on England are to be given to him at the rate of Exchange which the Government Drafts on the Treasury are drawn. By which measure the Company's Agent will enjoy an exclusive right to so large a proportion of Government Bills as he may require, whilst the Civil Servants of Government by such a preference may possibly be precluded from making any remittances; what is therefore now proposed is, that the Civil Servants, whose Salaries are paid in Sterling Money, be allowed a priority of Claim to Government Bills to the Amount of One Third of their Salaries.

Having thus stated and submitted what is more immediately connected with the concerns of the Colony, I beg to lead Your Lordship's attention to another point not irrelative to the question at large, namely the payment of the Troops.

When this Colony was formerly a British Possession, the Spanish dollar was issued to the privates and noncommissioned Officers at the rate of Five Sterling Shillings, and even at that value did they receive a considerable difference when exchanging it into the Government paper. The pay of the Officers was issued by the Regimental Paymaster, who drew his bills upon the Regimental Agent in England; this mode of payment, with regard to the

Officers was always adhered to, but the payment of the Soldiers occasionally underwent alteration, particularly from an arrangement introduced by Lord Macartney, who permitted certain Merchants here, with the approbation of the Government of Madras, to import various Sorts of East India Specie, such as the Star and Porto novo pagoda and rupees, which, when issued at a higher value than the intrinsic worth of the Metal, answered the purpose for which it was brought without becoming an object for reexportation, as is the case with the Spanish dollar.

According to the present mode of payment introduced by Sir David Baird, and which has undergone no alteration, both Officers and Men are paid with the Spanish dollars and that at the value of only 4s. 8d.

The diminution in its value appears has taken place by an order from home, but upon what Grounds I am unable to judge, for the Dollar has risen not sunk in value here, and produces at least 6s. 6d. or 7s. Currency; indeed so valuable and scarce is it that the deputy Commissary General finds a difficulty in procuring the necessary supply.

From this statement it will be obvious to Your Lordship that the Government loses considerably whilst the soldier gets more than he is justly entitled to; and if alteration be considered expedient, I beg leave to submit whether it might not be found advisable, that the Madras Government should send specie here, and receive Bills upon the Treasury through their Agent from the Deputy Commissary General, the encreased Value set upon the Coin would in some measure pay for the freight and insurance, whilst it would have the advantage of the former mode in as much as the Merchant would not have his intermediate profit. In suggesting this mode, I must apprize Your Lordship that it has not been in My power to converse upon the subject with any Gentleman acquainted with the present value of Specie in Madras.

As I have received no instructions for the guidance of my conduct in the payment of the Cape Regt., and as it is considered in every respect a Provincial Corps, I have directed the Civil Paymaster to make his issues for that purpose in paper Money, paying the Officers and Men at that rate of exchange at which the Civil Servants receive their Quarters salary. I have etc.

[Original.]

Memorial of Civil Servants to the EARL OF CALEDON.

The Undersigned Civil Servants of this Government have the honour of representing to His Excellency the Governor the disappointment they have felt and the serious inconvenience they have sustained, in consequence of the Instructions given to the Colonial Paymaster to issue their Pay only from the date of their respective arrivals in this Colony.

The Earl of Macartney when Governor of this Colony & the Secretary to the Government at that period received their Salaries from the date of their appointments in England; & such of the Civil Servants at that time as were sent out from England and appointed to Situations here by the then Governor, were paid one quarter's Salary upon their appointment to cover the expence of their passage.

The Undersigned conceived that, having been appointed at home to their respective situations they were entitled to Pay from the date of their appointments, but if it be thought improper to issue this pay during their involuntary detention in England, certainly their claim to pay from the date of their embarkation cannot be disputed, in as much as from that day they incurred very heavy expences in the service on which they embarked, and from that moment they devoted their time to the orders of Government.

Should this representation appear just to His Excellency, the Undersigned trust that His Excellency will take such steps therein as he may judge most likely to procure the redress they seek.

The enormous expence of Outfit & passage & the not less enormous expence of first settling in this extravagant place are well known to His Excellency, & must for a considerable time bear hard upon the greatest part of the undersigned, unless they meet with the relief they now Solicit.

(Signed) A. BARNARD,
 WINCHCOMBE H. HARTLEY,
 RT. DOBBIN,
 EDMUND BYNG,
 C. BIRD,
 CHAS. MACLEAN,
 HAMLET OBINS,
 W. JAS. ALEXANDER.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, October 8th 1807.

My LORD,—The Civil Servants of this Government have addressed me upon a Subject which will be best explained to You by requesting Your perusal of their Statement which accompanies this.

If reference be had to precedent, it will appear that Lord Macartney and the Colonial Secretary drew their Salaries previous to their leaving England, and His Lordship, upon his arrival in the Settlement, granted to those Officers of Government who came out One Quarter's Salary, which he considered as an equitable allowance for their previous expence.

It will also appear by a letter from Mr. Dundas to Sir George Yonge, dated the 6th June 1799, that he was allowed his salary from the date of his Commission; but in mentioning this case I beg it may be considered as applicable to the question at large, not merely to my own personal case.

Your Lordship no doubt will be solely guided by what you consider just in acquiescing in or rejecting the request; but I think it proper to apprise you that His Majesty's late Ministers were of opinion it should not be complied with, and that Mr. Windham instructed me accordingly. I have etc.

(Signed) CALEDON.

[Original.]

Letter from THE EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 10th October 1807.

My LORD,—I have the honor to acquaint you that in consequence of some necessary repairs to the shipping the 47th Regt. has not yet proceeded to the place of its destination, but it is the intention of Rear Admiral Stirling to forward it in Transports, together with Two Indiamen the *Warley* & *Wexford*, under Convoy of the *Greyhound* Frigate on the 17th Instant.

His Majesty's Ships *Camel* & *Woolwich* have arrived here from the Rio de la Plata, by the former which arrived on the 7th Instant intelligence is received that Transports having on board the 89th Regt. had sailed for this place two days previous to their departure.

Nothing else of sufficient Consequence to mention has taken place since I had the honor of addressing Myself to Your Lordship.

I have etc.

(Signed) CALEDON.

[Original.]

*Letter from REAR ADMIRAL STIRLING to WILLIAM MARSDEN,
ESQRE.*

Diadem, CAPE OF GOOD HOPE, 10th Octr. 1807.

SIR,—I had the honor to write to you by the *Lion*, which sailed with the China Ships from Table Bay on the 28th Ult.

The *Grampus* arrived on the 1st Inst. with 4 Indiamen from Bombay, which place she left on the 2d August, and brings accounts that the *Sceptre* had returned there on the 27th July in so bad a state that she could hardly be kept afloat, but I do not mention particulars about her situation as Captains Wood and Dobrein going in the *St. Albans* were passengers in her when she was coming this way, and obliged to go back.

I mentioned in my last letter that I detained the *St. Albans* in expectation of these Indiamen, and I should have sent her away immediately on their arrival if the Captains had not represented that refreshment was necessary for their Crews. I therefore detained the *St. Albans* until yesterday, when she went round with 3 of the Indiamen to Table Bay to pick up two Transports, and will I hope proceed on her voyage tomorrow. The other Indiaman, the *Sir Stephen Lushington*, has, in addition to her weakly state, met with so much damage in a Gale of wind off the Cape as to require considerable repairs, and must take out most part of her cargo. I shall however give her every assistance by lending a Transport and Men, and hope she will be ready for the next Convoy.

The *Paz* arrived in Table Bay on the 1st Inst., and Lieut. Pierrie informs me that having sprung a leak on the night we left the Plata, he was obliged to run into a Port in the Brazils, where he repaired his damage, and sailed thence the 26th August.

The Repairs of the *Diadem* are nearly completed, and the *Greyhound* is ready for sea, but as the *Warley* Indiaman is not yet ready, I shall detain the Convoy until the 17th Inst., when the 47th Regt. will proceed to Madras in Transports, as I mentioned in my last letter, and as they will not probably get on the Coast before the 15th Decr. I hope there will not be any danger in landing the Troops, which I am told there would be if an attempt was made before.

I am sorry to say the *Grampus* is in a very sickly state from a general tendency to Scurvy, and that she must remain here some weeks to recruit.

The *Camel* anchored in Table Bay on the 8th, and brings me an order from Admiral Murray to send a reinforcement to the Plata, and to keep Cruizers there for at least six months after the evacuation, but their Lordships will have seen that the Rear Admiral has not left me a cruiser to send, except the *Raisonable*, which will not be ready for sea for some time. I have ordered the *Camel* round here to take out her Stores, and shall send her to England as soon as she is clear.

The *Woolwich* arrived in Table Bay last night, and after she has landed her provisions, I shall send her to St. Helena on her way to England.

Enclosed are the Appointments and Removal of Officers, with the State and Condition, and the Arrangement of the Squadron.

I have etc.

(Signed) CHARLES STIRLING.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 25th Octr. 1807.

MY LORD,—I have the honor to transmit to your Lordship a Copy of the Memorial of Frederick Ludwig Stowes, late Master

Butcher at the Cape of Good Hope, praying Remuneration for Losses sustained by him in that Settlement, & I am to desire Your Lordship will cause the necessary Enquiry to be made upon this subject and report to me the result for His Majesty's Information. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 25th Oct. 1807.

MY LORD,—Having transmitted for the Consideration of His Majesty's Advocate General a Copy of your Letter to Mr. Windham of the 7th June last together with Copies of the Inclosures therein referred to relative to several Funds which have been seized by the Captors of the Colony and considered as Prize, I herewith inclose to your Lordship a Copy of the Answer that has been received, by which you will observe that the Advocate General does not consider the Funds in question as coming within the meaning of Prize, such as His Majesty in His Bounty bestows upon His Military Servants as a reward for their Services, but suggests that they should be kept Possession of by you on behalf of His Majesty, leaving it to the Captors to petition His Majesty in Council upon the subject, should they be so advised. I am therefore to desire that Your Lordship will take the necessary Measures for complying with the Suggestions contained in the said Letter. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 25th Octr. 1807.

MY LORD,—As the Garrison of the Cape of Good Hope will have been considerably augmented previous to the arrival of this Dispatch by a Reinforcement from La Plata, I am to signify to Your Lordship His Majesty's Pleasure that You do concert the

necessary Measures with the Commander of the Forces and the Naval Officer upon the Station for embarking the 4th Battalion of the 60th Regiment and conveying it to Barbadoes. It is hoped that the Transports from La Plata may not have left the Cape at the time this dispatch will arrive, in which Contemplation the above arrangement is ordered. I have etc.

(Signed) CASTLEREAGH.

P.S.—In case the Transports from the Plata shall have sailed for Europe after the landing of the 87th at the Cape, you will have the Service carried into Execution by the first favorable Opportunity, availing yourself of the Tonnage which it is intended should carry out to the Cape the Men who have volunteered from the Militia into the — Regiments now there, or by the Transports on their Return which may have carried the 47th and 89th to India.

C.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the HONOURABLE LIEUTENANT GENERAL GREY.

DOWNING STREET, 25th Oct. 1807.

SIR,—I have the honor of inclosing to you the Copy of a letter which I have written by His Majesty's Command to the Governor of the Cape of Good Hope, and I am to signify to you His Royal Pleasure that you do take the necessary measures, if practicable, for embarking the 4th Battalion of the 60th Regiment for Barbadoes in conformity thereto. I have etc.

(Signed) CASTLEREAGH.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 6th November 1807.

MY LORD,—It is with great concern I am to acquaint Your Lordship with the death of Andrew Barnard, Esqre., Colonial Secretary, who died on the 27th of October.

The business of the Secretary's Office will be conducted by C. Bird, Esqre., acting Colonial Secretary, until I am made acquainted with His Majesty's pleasure upon this head.

The *Greyhound* frigate, having under Convoy the *Brunswick*, *Doris*, *Lord Nelson*, and *Henry*. Transports named in the Margin, containing the 47th Regiment, sailed for Madras on the 23rd October, as also the Honble. East India Company's Ships *Warley* and *Wexford*.

A Letter has been addressed to the Governor in Council requesting the immediate return of the transports with a Cargo of Rice each as, from the unusual drought in the interior, there is some apprehension that the crops may not produce an ample supply.

His Majesty's Ships *Cormorant* and *Staunch*, having under Convoy transports containing the 89th Regt. arrived here on the 21st of October. I have etc.

(Signed) CALEDON.

[Copy.]

Government Advertisement.

Notice is hereby given, that all permissions for strangers to remain in the Colony, will henceforth be made out in this Office on a stamp of Five Rix Drs. and all strangers at present in the Settlement, without leave from His Excellency the Governor, or Passports from His Majesty's Secretary of State in England, are directed to apply for the necessary Permission without delay, or they will be proceeded against, without further notice, according to Law.

Castle of Good Hope, 6th November 1807.

By Command of His Excellency the Governor.

(Signed) C. BIRD.

Depy. Col. Secretary.

[Original.]

*Letter from SIR DAVID BAIRD to the RIGHT HONOURABLE
VISCOUNT CASTLEREAGH.*

LONDON, 16th Novr. 1807.

MY LORD,—Having received the Duplicate of a letter from Sir George Shee, under date the 10th of December 1806, I have the Honor to acquaint your Lordship in answer thereto, that the Advances furnished to General Janssens, and alluded to in my letter of the 8th of March 1806 were for the Subsistence of the Officers and Troops under that General's command conformably to their Capitulation, and that the particulars of those Advances will be duly specified in the Accounts of Mr. Murray, the Deputy Commissary General and Accountant to the Forces which were under my orders. I have etc.

(Signed) D. BAIRD, Lieut. Genl.

[Original.]

*Arrangement of the Squadron at the Cape of Good Hope,
22nd Nov. 1807.*

<i>Diadem,</i>	Samuel Warren, Esqre.,	Simon's Bay.
<i>Raisonable,</i>	Josias Rowley, "	Table Bay.
<i>Grampus,</i>	Jas. H. Tait, "	Simon's Bay.
<i>Salsette,</i>	Walter Bathurst, "	Table Bay.
<i>Camel,</i>	Jno. Joyce, "	Simon's Bay.
<i>Cormorant,</i>	William Hughes, "	Table Bay.
<i>Harrier,</i>	Justice Finley, "	Simon's Bay, heaving down.
<i>Staunch,</i>	Lieut Benj. Street, {	Under orders for Table
<i>Paz,</i>	Lieut. John Pierrie, }	Bay.

(Signed) CHARLES STIRLING.

[Copy.]

Letter from MR. GEORGE HARRISON to the EARL OF CALEDON.

TREASURY CHAMBERS, 2nd December 1807.

MY LORD,—Deputy Commissary General Murray having requested further Instructions from the Lords Commissioners of His

Majesty's Treasury in regard to his future conduct as Commissary at the Cape, in consequence of a conversation which he states had taken place with your Lordship on this subject, My Lords have thought it proper, in order to prevent the possibility of any misunderstanding or difference of opinion upon this subject, to direct me to inform your Lordship that the authority of the General Officer commanding the Troops for the time being is the only authority which the Deputy Commissary General, as required by his Instructions, can receive for his guidance and direction in executing the duties of his Office, or which can be admitted in passing his accounts before the Commissioners for auditing Public Accounts. I have &c.

(Signed) GEO. HARRISON.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas William Stephanus van Ryneveld Esqre. His Majesty's Fiscal, and J. Vos Esqre. president of the Burgher Senate, have, in obedience to my commands assessed the different Farmers in such proportions of Barley as it will be incumbent on them to furnish for the Supply of His Majesty's Cavalry, during the ensuing year, I do therefore hereby think proper to notify my approbation of the above mentioned assessment, and further do direct, that the several Farmers herein named do deliver at the Commissary General's Stores in Cape Town (as soon as possible after reaping the new Harvest) the Several Quotas of Barley, expressed against their names in the following List—

[Here follow the names of the Farmers assessed to furnish 8280 Muids of Barley, for the Supply of His Majesty's Cavalry, for the ensuing Year 1808.]

And if any Farmer or Farmers so assessed shall not have delivered his or their proportion of Forage, on or before a day to be hereafter Specified, His Majesty's Fiscal will be instructed to cause an equal quantity to be purchased at whatever the Market price may be, at the expence of such Farmer or Farmers, and to be delivered into His Majesty's Stores.

The inhabitants dwelling in the Neighbourhood of Saldanha Bay

may deliver their Quotas to the Superintendant Mr. Kendler, who will be directed to give Receipts for the Same, and Such Farmers as may not be able to furnish the whole proportion of their assessment in Barley, will be at liberty to deliver Oats, provided Five Muids thereof be given in lieu of Four of Barley.

And whereas it has been reported to me, that the Sum of Three Rixdrs. for one muid of Barley, or one muid and a quarter of Oats, appears to be a fair & equitable price for the Same;—I do therefore hereby direct, that the above sum be paid by the Deputy Commissary General for the Forage he may receive during the ensuing Year.

Given under my Hand and Seal at the Cape of Good Hope this 7th Day of December 1807.

(Signed) CALEDON.

[Original.]

*Extract of a Letter from REAR ADMIRAL STIRLING to the
HONOURABLE WILLIAM WELLESLEY POLE.*

Diadem, CAPE OF GOOD HOPE, 7th Decr. 1807.

SIR,—Three Ships with Government Provisions and a Merchantman have just arrived, having parted with Rear Admiral Drury on the 30th Ult. in Lat. 34° S., Long. 5° W., and the Revd. Dr. Halloran who came Passenger in one of them has brought us Letters * * * *

[Original.]

*Letter from REAR ADMIRAL STIRLING to the HONOURABLE
WILLIAM WELLESLEY POLE.*

Diadem, CAPE OF GOOD HOPE, 8th Decr. 1807.

SIR,—In my letter to Mr. Secretary Marsden by the *Lion* of the 25th Septr., I mentioned my Instructions from Rear Admiral Murray directed me to bring the 47th and 87th Regts. here, from whence they were to be conveyed to India by the Company's ships. I was desirous of sending home the Transports which brought them, but the Governor and General Grey having represented in strong terms the necessity of the 47th Regt. going to Madras without loss of time, and thinking that under existing circum-

stances the Troops may be useful, I have determined to send Transports with them so soon as I can repair some defects of the *Greyhound* that are absolutely necessary, but having received a letter from Rear Admiral Drury in which is the following paragraph, viz.:

"I go on direct to the East Indies with the East India Ships. If Admiral Murray had not informed me he had sent Transports enough to convey the Troops destined to the East Indies, I should have gone into the Cape."

I think it my duty to enclose a Copy of my orders from my Late Commander in Chief dated at Monte Video, the 31st July last, respecting the Troops which were to come thence, and which were destined for India. I have etc.

(Signed) CHARLES STIRLING.

[Office Copy.]

Letter from MR. E. COOKE to the EARL OF CALEDON.

DOWNING STREET, 10th Dec. 1807.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the Bearers, Mr. Gotlob Martin, and Mr. Andreas Martin, to proceed to the Cape of Good Hope on board the Ship *Aspinwall*, the Sale of the Cargo of which they have been appointed to superintend by Messrs. Soltan Martinius and Soltan Merchants in London. I have etc.

(Signed) E. COOKE.

Letter from LORD HAWKESBURY to the EARL OF CALEDON.

DOWNING STREET, 11th Dec. 1807.

MY LORD,—In the absence of Lord Castlereagh I am to acquaint your Lordship that the India Company have prepared tonnage to proceed to the Cape in order there to take on board one of the Regiments which was sent from Buenos Ayres, and which there is reason to believe from Lt. Genl. Whitelocke's Report were likely to be detained there till Tonnage should arrive from Europe, your Lordship will therefore concert Measures with Lt. Gen. Grey for

having the said Regiments in readiness for Embarkation as soon as the Indianen shall appear, as also the Provisions which will be necessary for their Passage (more than sufficient for that purpose having been sent from Buenos Ayres). It is of the utmost Importance that the Indianen should not be delayed at the Cape, lest they should lose the Season for their Voyage to China.

I have etc.

(Signed) HAWKESBURY.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas His Majesty in Council has been pleased to give an Order, bearing date the 2d September last, for preventing British Vessels clearing out for any of the ports of Denmark until further orders, and for laying a general Embargo or stop upon all Danish Vessels, which may now be within or may hereafter come into the Ports, Harbours or Roads of the United Kingdom of Great Britain and Ireland, or into any of the Ports, Harbours and Roads of any of His Majesty's Colonies or Settlements.

I do therefore judge proper, for carrying the said Order into execution in this Settlement, to publish herewith a copy of the said Order for the general information of His Majesty's subjects.

At the Court at the Queen's Palace,
The 2d September 1807.

Present

The King's most Excellent Majesty in Council.

It is this day ordered by His Majesty, and with the advice of His Privy Council, That the Governor, Lieutenant Governor, or Commander in Chief, or Person acting as such for the time being, of any of the Forts or Settlements belonging to the Crown of Great Britain and Ireland, or any of His Majesty's Colonies, Islands and Plantations, where any Ships or Vessels belonging to the Subjects of the King of Denmark may have put in, and be found, do immediately cause all ships or Vessels belonging to the

subjects of the King of Denmark, now within, or which may hereafter arrive within, the Limits of any of the Ports, Harbours, or Roads belonging to such Forts and Settlements, Colonies, Islands, and Plantations, to be detained, together with all Persons and Effects on board the said Ships and Vessels; but that the utmost care be taken for the preservation of all and every part of the Cargoes on board any of the said ships and Vessels, so that no damage or embezzlement whatever be sustained. And His Majesty is further pleased to order the Right Hon. Lord Castlereagh One of His Majesty's principal Secretaries of State, to receive His Majesty's pleasure for sending Instructions to the Governors, Lieutenant Governors, or Commanders in Chief, or Persons acting as such for the time being, of all the said Forts and Settlements, Colonies, Islands and Plantations, for carrying His Majesty's Order hereby signified into due execution.

(Signed) W. FAWKENER.

Given under my Hand and Seal, at the Castle of Good Hope, this 11th day of December 1807.

(Signed) CALEDON.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas divers representations have been made to me of the distress to which several of the most substantial Inhabitants are reduced by the prevailing scarcity of circulating specie, owing chiefly to the great number of Public Sales of European and Indian produce, brought under peculiar circumstances to this Market, the payments for which have drawn the Colonial currency out of the Usual Channels. And it appearing upon inquiry into these statements, that not only the representations so made are justly founded, and that the public, as well as Individual distress, is very considerable, but moreover that there are the strongest reasons to believe that several avaricious Individuals (taking an undue advantage of the public calamity) have been guilty of the most usurious practices, I have taken the case into my most serious consideration, and (actuated by the most ardent wish) not only to

remedy the present evil, but to take (as far as in me lies) such measures as may tend to prevent any further occurrences of a similar nature from affecting the welfare of the honourable and opulent part of this Community, I have Judged it expedient to call upon the Gentlemen herein after named, to form themselves into a Committee for the purpose of investigating the nature of the resources which it may be in the power of this Government to make Use of, in Aid of the Public at this moment.

I do therefore hereby require F. Dashwood Esqr. His Majesty's Receiver General, C. Brand Esqr. Collector of Tythes, A. van Kervel Esq. at present President of the Lombard Bank, P. L. Cloete & T. Murray Esqr. to assemble for the abovementioned purpose, and to commence their labours by a thorough enquiry into the Actual State of the Loan Bank, and the means there may be in that institution capable of being brought out in support of the Public Credit.

The Committee will next proceed to enquire into the whole of the circumstances that appear to have caused the absorption of the Colonial currency, and is then called upon to suggest such remedies as are in its opinion most likely to remove the evils complained of.

And in as much as the Committee so appointed is charged with the investigation of these matters, so likewise is every well disposed Inhabitant, by these presents, called upon to assist the said Committee as far as in him lies, in the execution of its duty, whether by submitting what may be conceived advantageous to the Public interest, or by declaring and making known the names of those who have been engaged in the Usurious transactions before noticed that Government may hereby be apprised of the evil tendency of such Persons, and be enabled to direct the prosecution of the same according to the provisions as by Law directed.

Given under my Hand and Seal, at the Castle of Good Hope, this 14th day of December 1807.

(Signed) CALEDON.

[Office Copy.]

Letter from the COLONIAL OFFICE to the EARL OF CALEDON.

DOWNING STREET, 15th Dec. 1807.

MY LORD,—Having referred your Letter to Mr. Windham of the 30th of May last together with the Memorial of Mr. Tennant therein mentioned to the Commrs. of Transports, I herewith inclose to your Lordship a Copy of their Report thereon, and concurring entirely in the same, I cannot recommend that Mr. Tennant's claim should be liquidated to the extent specified.

The Commissioners of the said Board however on the Claim being again submitted to them, together with the whole of the Vouchers in support thereof, will be best able to decide as to the Amount of the Sum which, under all the Circumstances of the Case Mr. Tennant may be entitled to receive. I have &c.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, December 15th 1807.

MY LORD,—A Portuguese Ship from Mozambique, with a Cargo of 400 Slaves, a short time since put into Table Bay for the purpose of procuring refreshment and proceeding on her voyage to the Brazils.

Many of the principal Inhabitants upon her arrival addressed Me, praying permission to purchase her cargo for the benefit of Colonists, and submitting the justice of their request chiefly upon the following grounds:—

1st. On account of the great Mortality which prevailed amongst the Slaves last year in consequence of the Meazles.

2ndly. On account of an increased demand for agricultural products, owing to a numerous garrison as well as the more frequent resort of Shipping to the bays, an additional supply of fresh provision is requisite, and consequently an increase of labour to procure it.

3rdly. That the enlisting of Hottentots for His Majesty's service diminishes the farmer's means and necessarily becomes a drawback to more extensive cultivation. Although these arguments had their weight as far as confirming what I before observed to Your Lordship, the necessity of an increased labouring population; yet, as the parties had incurred no expence and the importation of slaves is contrary to the feelings of the Government at home, I resisted the application.

The Question nevertheless has caused me to consider, and with all deference to submit what may be judged advantageous both to His Majesty's Government and to the Settlement at large.

The abolition of the slave trade, connected with the other causes of decreased population, in such a Country as this, must in the first instance be severely felt, and if the Government at home in its watchful care over the interests of the Colony, consider it in this point of view and have for its object relief, the disbanding the Corps of Hottentots appears to be a mode which will subject the Government to the least inconvenience and will restore 700 Men to the service of the Farmers.

The diminution from the Military force is great; but it is worthy of consideration that the services of this body are very limited, not solely from its being a Colonial Corps, but also in respect to the duties which it is called upon to perform within the Settlement; But, if it be thought imprudent to permit so large a Body of Men to be taken from the Military Force, it seems not to be an extravagant scheme to propose the replacing this Corps by another composed of Negroes from Mozambique; these may be procured at the Portuguese settlement on the Eastern Coast of Africa with great facility and could be here in about five Months from the time of their being sent for. The expence to Government of such a Corps would be about Twenty two pounds a Man; An estimate I am led to form from the terms at which the slaves on board the Portuguese Vessel are at present offered for, and the supply could be obtained by contract with private Merchants.

It is manifest what advantage to His Majesty's Government a Corps of this description would have over that of the Hottentots, it being known how well these Men bear the fatigues of the warmest climate, there can be little doubt but that they would constitute a most effective force to send to the possessions in the East

Indies, where they would have no prejudices of Caste nor attachment to Mahomatanism, neither would they be at all tainted with the partialities of the native Corps, but, if it be not thought proper to raise more than One Regiment of this Description, and that One should be retained for the service of the Colony, then when the period of service for which the Men are raised is expired, such of them as might not choose to reinlist, would become a most valuable sort of free labourer.

I shall conclude with an observation that I hope may be unnecessary. If it be found expedient at a peace again to restore this possession to Holland, the Cape Regiment must likewise be restored, whilst the other being a disposable force, could be sent to the East or West Indies as the case might require. If the measure be adopted the Officers might remain as at present, and the Hottentots be dismissed as they are replaced by the others.

What is proposed being of a Military nature, I communicated these my ideas to Lt. Genl. Grey, and I think it proper to acquaint your Lordship, that, in His opinion, the Hottentots are from their habits of life better qualified for Military service than the Natives of Mozambique, and that greater dependence might be placed in the former than in the latter, even when in a state of discipline.

I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, December 15th 1807.

MY LORD,—Mr. Hartley, Judge of the Vice Admiralty Court, being desirous of returning to England, signified to Me his intention of doing so and of appointing Mr. Cassels, King's Advocate, to act for him as surrogate and deputy during his absence, in reply to which, I acquainted Mr. Hartley that I did not conceive it was in the power of any person holding a Commission and acting upon it within the limits of this Settlement, either to absent himself or to depute another to perform his duty without obtaining my leave or exhibiting to Me the power which

authorises such a measure. Mr. Hartley therefore made an application with which I was about to comply when he changed his intention and has determined to remain.

I can not disguise from your Lordship that there was and still is a doubt in my mind how far the Judge's deputing powers enable him (in such a case) to appoint his deputy; but, as Mr. Hartley stated in his Letter, his anxiety to proceed for the arrangement of some Matters essentially affecting his Office, and as Mr. Cassels, the King's Advocate, is of opinion that he is legally empowered to appoint a deputy, I thought it might be injurious rather than advantageous to the public service had I prohibited his departure.

Mr. Hartley contends that a Judge of the Vice Admiralty Court is no further under the control of the Governor than any other of His Majesty's Subjects resident in the Settlement, and as he adheres in this opinion, I must offer the following Questions, praying your Lordship's decision for my future guidance.

Whether a Judge of the Vice Admiralty Court (as a public Officer) can absent himself from this Settlement without the permission of the Governor?

Whether it be in his power to appoint whomsoever he pleases his surrogate and deputy, without the previous acquiescence of the Governor?

There is also another point of view in which the Judge of the Admiralty Court appears to come more immediately under my jurisdiction than He seems to be aware of; I allude to the Commission of Piracy of which I conceive myself to be the President and the Judge of the Vice Admiralty Court a Member; Mr. Hartley, on the other hand, contends that it is *his* Court, of which He is the President, but in which, by courtesy, I take precedence; If so, it is singular that this courtesy should extend likewise to the Lieut. Governor, whose name is usually inserted in the Commission before the Judges; but your Lordship will feel the distinction between the Court for the Trial of Pirates and that of Admiralty causes, a distinction which Mr. Hartley does not, nor will not admit. Your Lordship also, in forming Your decision upon the Questions already submitted, will no doubt take into consideration how far a deputation from the Judge of the Vice Admiralty Court would render his deputy admissible as a Member of the Commission of Piracy.

I have been more diffuse upon this subject than what may have been judged necessary ; but the Gentleman, with whom I mooted the question, sees it in such different colours from what I do, that I deemed it expedient for the present and the future parties to have the Matter explicitly defined. I have &c.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, December 15th 1807.

MY LORD,—I have to acknowledge the receipt of dispatches by His Majesty's Ship *Laurel*, and subsequent ones by the Private Ship *Alligator*, which parted company with the outward bound East India Fleet under Convoy of His Majesty's Ship *Monmouth*, off the Cape.

Every facility, as your Lordship directs, shall be given to Baron van Hogendorp in the Settlement of his Affairs, and the other directions shall in like manner be attended to.

I have &c.

(Signed) CALEDON.

[Original.]

Letter from REAR ADMIRAL STIRLING to the HONOURABLE WILLIAM WELLESLEY POLE.

Diadem, TABLE BAY, 17th Decr. 1807.

SIR,—I had the honor to write to Mr. Secretary Marsden on the 22nd Ult. by the *Salsette*, which called here on her passage from Madras, and as the *Camel* is cleared of the Stores she brought from the Plate, and four Transports are ready to accompany her, I have thought it proper to give Captain Joyce directions to return to England by the way of St. Helena.

The *Lamal* arrived with a Convoy on the 2d Inst. having parted

with the *Otter* and her convoy, on the 17th Octr. on their route to La Plata.

The *Malabar* arrived with her Convoy on the 5th, and I send by this conveyance a letter from Captain Temple stating his proceedings, for the information of my Lords Commissioners of the Admiralty.

The immense quantity of provisions brought here for the Army will take some time to land, and it is not wished that what the *Malabar* has brought should be put on shore until the Transports are unloaded. So soon however as that is done, no time shall be lost in clearing the *Malabar* and forwarding her to England, agreeable to their Lordships' directions, with the Transports that can accompany her. I know not what the stock of provisions may be in India, but if any more should arrive for the Navy, during the time I remain on this Station, I shall think it my duty to forward them if a convoy should offer, as the Agent Victualler has a very large stock on hand.

The *Harrier* was hove down last month, and having repaired the defects in her bottom, which the Master Shipwright thinks will enable her to run for a year or two longer, I removed the Squadron from Simon's Bay to this anchorage on the 4th Inst.

I have lately received a letter from Captain Corbett of the *Nereide*, dated the 18th of October from the Rio de la Plata, in which he mentions having taken provisions from a Transport that arrived there, to enable him to put the ships under his Command on whole allowance, and as he may get a further supply from the *Otter's* Convoy, and their Lordships were in possession of the di-aster at Buenos Ayres early in September, I have not thought it advisable to detach the *Raisonable* thither. I hear the ships left in the River are well supplied with Fresh Meat, and that the Spaniards are much disposed to be civil.

The *Grampus*, *Staunch*, and *Paz* were sent to cruise off Cape L'Agullas so soon as I had orders to detain Danish Vessels, and the *Lamel* and *Harrier* would have sailed to cruise off the Mauritius some days ago, so soon as the latter was ready for sea, if Captain Finley had not been attacked with a severe illness, which required his being removed to the shore. I expect they will sail to-morrow, and intend the *Cormorant* to proceed to cruise off the Bank of L'Agullas. I have &c.

(Signed) CHARLES STIRLING.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas it has been signified to me that great inconvenience arises to the Public for want of a sufficient Schedule or Tariff of the Stamps necessary to be used in Deeds or other public instruments, according to the existing Laws of the Colony, from which cause, considerable risk is run by Individuals of having their Deeds invalidated, and being themselves exposed to prosecution, in such cases in which licences or other acts are necessary for them to be possessed of, on paper of a stamped value, proportioned to the value of the object,—

I have therefore thought it proper to take the same into consideration, and having carefully examined the existing schedule, I have endeavoured to supply the deficiency complained of, and at the same time to apportion the future value of the Stamps to the relation of every other Article at the present moment, in order that His Majesty's Revenue may continue equal to the exigencies of the Colony.

I do in consequence, by virtue of the powers vested in me, direct, that the following Stamps be used in the several transactions specified in the hereinafter mentioned Schedule, and I do hereby declare every deed null and void, according to Law, which shall not henceforth be drawn out upon or covered with the Stamp now ordered; and I call upon the Honorable Court of Justice to take special care that the provisions of this Law be properly enforced, as far as the cognizance of the Court permits,—

And whereas great injury has been done to His Majesty's Revenue by Persons neglecting to take out the Licences directed under the circumstances of their respective cases, I do therefore think it necessary especially to warn all

Vendue Masters,

Butchers,

Bakers,

Wine Merchants,

Clubs and Societies,

Keepers of Public Billiard Tables,

Retail Shopkeepers in Cape Town,

Persons grazing their Cattle in the Kaapsche Vlakte,

Carriers of Firewood in ditto, and Boatmen,

not to fail in taking out such Licences forthwith on pain of being fined triple the Value thereof, over and above such other penalty as has been imposed by former Proclamations in each case.

And His Majesty's Fiscal is hereby directed to institute legal proceedings for the recovery of the said Fines, against all Persons who may be found neglecting to attend to the provisions of this enactment.

Stamp Duties.

In the Colony of the Cape of Good Hope,—

Art. 1.

Transfers passed at the Secretary's Office.

From	1 to	300 Guilders	.	.	.	.	Rds.	St.
	300 „	750 „	.	.	.	.	0	6
	750 „	1500 „	.	.	.	.	0	24
	1500 „	3000 „	.	.	.	.	1	0
	3000 „	7500 „	.	.	.	.	1	24
	7500 „	15,000 „	.	.	.	.	3	0
	15,000 „	30,000 „	.	.	.	.	6	0
	30,000 and upwards „	.	.	.	.	.	12	0
			.	.	.	.	20	0

Art. 2.

Transfers of Loan Places.

From	1 to	3000 Guilders	.	.	.	.	Rds.	St.
	3000 „	7500 „	.	.	.	.	0	36
	7500 „	15,000 „	.	.	.	.	1	24
	15,000 „	30,000 „	.	.	.	.	3	0
	30,000 and upwards	.	.	.	.	.	6	0
			.	.	.	.	10	0

Art. 3.

Mortgages passed at the Secretary's Office, Government Bank, and Orphan Chamber.

From	1 to	300 Guilders	.	.	.	.	Rds.	St.
	300 „	750 „	.	.	.	.	0	12
	750 „	1500 „	.	.	.	.	1	0
	1500 „	3000 „	.	.	.	.	2	0
	3000 „	7500 „	.	.	.	.	3	0
	7500 „	15,000 „	.	.	.	.	6	0
			.	.	.	.	12	0

		Rds.	St.
From 15,000 to 30,000 Guilders	,	20	0
30,000 and upwards	,	30	0
Deeds of Prolongation in the Govt. Bank	,	5	0
Receipts for Interest by ditto	,	0	6

Art. 4.

Bonds passed before Notaries.

From	1 to	100 Rixds.	.	.	.	.	Rds.	St.
100 „	250 „	.	.	.	.	.	0	24
250 „	500 „	.	.	.	.	.	1	0
500 „	1000 „	.	.	.	.	.	1	24
1000 „	2500 „	.	.	.	.	.	3	0
2500 „	5000 „	.	.	.	.	.	6	0
5000 „	10,000 „	.	.	.	.	.	12	0
10,000 and upwards	,	,	,	,	,	.	20	0
Securities for Bonds	,	,	,	,	,	.	1	0

Art. 5.

Wills, and all other Deeds which are relative to the same or arise from it.

Wills and Codicils.

		Rds.	St.
A. When the Testator values his Estate less than 6000 Guilders	,	1	0
But when he possesses more	,	15	0
B. Codicil or alteration of a Will according to the clause reservation	,	1	0
C. Repudiation of Inheritance and Deeds of consideration	,	0	24
D. Deeds of Donation, interviews and causa mortis.			
When the Value is under 6000 Guilds.	,	1	0
When the Value is above 6000 Guilds.	,	15	0
E. Inventories of Estates, without the valuation of the same and all other inventories	,	1	0
F. All accounts of the Orphan Chamber, Tutors, and Guardians, and also all other accounts, by which any common Administration, Receipt, and Expenditure, shall be accounted for and settled, except such Accounts as respect any insolvent Estate, for which indiscriminately only a Stamp of twelve Stivers is required, are to be written on the following Stamps.			
When the Receipt and expenditure jointly amount to more than 100 Rds. and are under 400	,	0	12
400 to 1000	,	0	24
1000 „ 2000	,	1	0
2000 „ 3000	,	3	0

G. Deeds for securing the portions of Children from former Marriages.

H. Deeds of Discharge for the receipt of the Portions of those who are instituted Heirs.

I. Pre-Contracts of Marriage, When the sum agreed upon does not amount to more than 1000 Rds.

From	1000 to	5000	.	.	.	.	.	.	6	0
	5000	„	10,000	.	.	.	.	.	20	0
	10,000	and	Upwards	.	.	.	.	.	50	0

Arts, 6.

Deeds and other Papers connected with the Government Secretary's Office, with the Court of Justice, or other inferior Courts.

	Rds.	St.
Memorials	0	12
Translations	0	6
Loan Leases	5	0
Grants of Land under 10 Morgen	25	0

		Rds.	St.
From 10 to 30	.	50	0
30 „ 60	.	100	0
Original sentences	.	2	0
Copies of ditto	.	0	12
Citations, Sommations, Renovations and insinuations	.	0	24
Reports	.	0	24
Hand Bills	.	0	24
All Demands, Petitions &c. that are presented to the Court of Justice	.	0	24
All Copies of Extracts	.	0	12
Arrests on Persons or Property	.	0	24

Art. 7.

Agreements and all other Deeds relative thereto.

		Rds.	St.
A. Contracts between the Inhabitants of the Colony, relative to the hiring of Houses, Lands, and Slaves, also Contracts for building or for supplying Victuals, for making implements &c. &c.	.	0	24
B. Contracts entered into with Strangers, respecting the Supply of Merchandise or of Colonial Produce	.	1	0
C. Charter Parties for a Ship under 200 Tons or 100 Lasts	.	10	0
For Ships above 200 Tons or 100 Lasts	.	20	0
D. Bills of Lading from 1 to 10 Tons	.	5	0
10 „ 20	.	10	0
20 „ 50	.	20	0
50 and upwards	.	30	0
E. Bottomry Bonds from 1 to 500	.	1	0
500 „ 1000	.	2	0
1000 „ 2000	.	4	0
2000 „ 5000	.	8	0
5000 „ 10,000	.	16	0
10,000 „ 20,000	.	40	0
20,000 and Upwards	.	60	0

Art. 8.

Vendue Notes, or Vendue Accounts, including all other Documents relative to public sales

		Rds.	St.
A. From 100 to 150 Rds.	.	1	24
150 „ 200 „	.	2	0
200 „ 275 „	.	2	24
275 „ 350 „	.	3	0
350 „ 500 „	.	5	0

		Rds.	St.
From 500 to 700 Rds.	.	6	0
700 „ 1000 „	.	7	0
1000 „ 1500 „	.	8	0
1500 „ 2000 „	.	9	0
2000 and Upwards	.	10	0
B. Advertisements respecting Public sales	.	0	24
C. Vendue Lists of immoveable and moveable Property	.	0	24
D. Copies of Vendue Lists or Extracts out of the same	.	0	24
E. Agreements of Sale of immoveable Property	.	2	0

Art. 9.

Privileges and Licences.

		Rds.	St.
A. Licences for the Vendue Masters annually	.	150	0
B. „ „ Butchers annually	.	50	0
C. „ „ Bakers ditto	.	25	0
D. „ „ Wine Merchants ditto	.	50	0
E. „ „ Inhabitants of Constantia, Winebergen and Steenbergen for grazing their Cattle ditto	.	10	0
F. Licences for the Carriers of Firewood ditto	.	10	0
G. „ To cut Timber for each Load	.	0	24
H. „ For Waggons	.	0	6
I. „ Boatmen annually	.	1	0
K. Licences for Clubs and Societies do.	.	50	0
L. „ Each Public Billiard Table ditto	.	100	0
M. „ Each Tent at the Wharf ditto	.	1	0
N. „ To go to the Hot Baths	.	24	0
O. Permission to remain in the Colony	.	5	0
P. „ to leave the Colony	.	1	0
Q. Letters of Burghership	.	100	0
R. Adoptions and Emancipations	.	1	0
S. Licence for keeping a Retail Shop in the Cape Town annually	.	20	0

Art. 10.

Powers of Attorneys.

		Rds.	St.
A. A General Power of Attorney, to Persons not residing in the Colony	.	3	0
B. A special Power of Attorney likewise to Persons not residing in the Colony	.	0	24
C. A general Power of Attorney to Persons within the Colony	.	2	0
D. A special Power of Attorney to ditto	.	0	24
E. Further all deeds of Substitution, Assumption, surrogation &c.	.	0	24

Art. 11.

Protests.

		Rds.	St.
A. Protests of Bills of Exchange, Drafts or promises	.	2	0
B. Sea Protests	.	6	0
C. Affidavits	.	0	12
D. Affidavits to be acted upon without the Colony	.	0	24

Art. 12.

Transfers.

		Rds.	St.
A. Transfer of Mortgage Bonds &c. not amounting to more than			
5000 Rxds..	.	1	0
5000 and upwards	.	2	0
B. Transfers of Moveables	.	1	0
C. Ditto of Slaves	.	3	0

Art. 13.

Civil Servants.

		Rds.	St.
A. The deeds of their appointment or promotion, when their salaries amount to no more than 600 Rds.	.	1	0
From 600 to 1200	.	3	0
1200 „ 2400	.	10	0
2400 „ 6000	.	20	0
6000 and upwards	.	40	0
B. Admission of Notaries	.	50	0
Ditto of Attorneys	.	25	0

Art. 14.

Court of Appeals.

		Rds.	St.
For the Bond Stamp	.	1	0
Memorial	.	0	24
Cases the first Sheet	.	0	24
For every subsequent one	.	0	12
Exhibits	.	0	12
The sentences	.	10	0
Orders of reference	.	0	12
Orders of Court	.	0	6
Reports first Sheet	.	0	12
For every subsequent one	.	0	6

The like Stamps are to be used by the secretary of the Court in all Copies.

Art. 15.

Admiralty Court.

	Rds.	St.
Affidavits	0	12
Claims	0	12
Examinations in preparatory on the first sheet	0	24
Every other and each Witness	0	6
Decree of Uilivery	0	12
Decree of Appraisement and Sale	0	24
of Removal	0	6
of Inspection.	0	6
of Restitution	1	0
of Delivery	0	12
of Condemnation	1	0
for Answers	0	12
Allegation first Sheet	0	12
Every subsequent Sheet	0	6
Answers.	0	6
Minutes of Court	0	6
Papers Extracted p. Extract	0	6
Copies per sheet	0	6
Letters of Marque	50	0

And in order that no Persons may plead ignorance hereof, I have caused it to be published and affixed.

Given under my Hand and Seal at the Cape of Good Hope, this 24th day of December 1807.

(Signed) CALEDON.

[Office Copy.]

Letter from MR. E. COOKE to the EARL OF CALEDON.

DOWNING STREET, 28th Dec. 1807.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the Bearer Christian Frederick Beaty to proceed to the Cape of Good Hope.

I have etc.

(Signed) E. COOKE.

Statement of the Population and of the Quantity of Lands in the Possession of Individuals at the
Cape of Good Hope in 1807.

	Inhabitants.		Hottentots.		Slaves.		In Freehold.		In Quit-Rent.		In Occupancy.	
	Men	Women	Men	Women	Men	Women	Places	Fee.	Rods.	Fee.	Rods.	Fee.
Cape Town . .	3,263	3,034	233	202	5,513	3,322	..	506,469	33	5	556	114
Cape District . .	802	630	343	244	3,154	1,139	..	9,673	31	58	349	510
Stellenbosch . .	2,613	2,286	1,221	1,239	5,728	2,986	..	15,956	126	..	..	..
Zwellendam . .	2,551	2,235	2,108	2,174	1,795	1,064	71	..	..	..	..	..
Graaff Reinet . .	2,394	2,103	2,239	2,491	899	483	1	..	..	..	..	..
Uitenhage . .	1,257	1,094	1,047	1,278	346	245	..	..	..	..	..	..
Tulbagh . .	1,289	1,169	1,416	1,422	1,621	991	24	..	..	..	..	..
Total . .	14,169	12,551	8,607	9,050	19,056	10,230	96	26,136	33	7	355	475
											6	1,739 $\frac{3}{4}$
												6,542
												504
												48

Recapitulation: 73,663 Souls.

96 Places, 26,136 M. 33 R. 7 F. in Freehold, 355 M. 475 R. 6 F. on Quit-rent.

1,739 $\frac{3}{4}$ Loan Places.

6,542 M. 504 R. 48 F. in Occupancy.

Return showing the Population and Cattle in the Possession of Individuals at the Cape of Good Hope in the Year 1807.

Return showing the State of Cultivation and Quantity of Land occupied at the Cape of Good Hope in the year 1807.

	MUIDS SOWN:				MUIDS REAPED:				LANDS IN FREE-HOLD.				LANDS IN QUIT-RENT:									
	Wheat.	Oats.	Rye.	Bailey.	Wheat.	Oats.	Rye.	Bailey.	VINES.	Waggoners.	Carts.	Freehold Places	Loan Places.	Places.	Mergeen.	Brven.	Goods.	Mergeen.	Brven.	Goods.		
Cape Town .	6 $\frac{1}{2}$	61 $\frac{1}{2}$	118	1 $\frac{1}{4}$..	2	229,960	18	14	266	183	..	2	42	..	506	469	..	5	556
Cape District .	2,764	1,110	2,001	79	1,910,826	559 $\frac{1}{4}$	34 $\frac{1}{4}$	524	128	86	..	185	..	9,673	31	..	349	510
Stellenbosch .	6,150	1,337	208 $\frac{1}{4}$	1,414 $\frac{1}{4}$	61,382 $\frac{1}{4}$	26,289	2,399 $\frac{1}{4}$	22,291	14,334,800	7,949	571 $\frac{1}{4}$	1,120	113	..	315 $\frac{1}{4}$	..	15,956	126	..	..	..
Swellendam .	1,805	762 $\frac{1}{4}$	28 $\frac{1}{4}$	14	24,284 $\frac{1}{4}$	11,053	711	.227	1,364,237	388 $\frac{1}{4}$	133 $\frac{1}{4}$	967	63	..	596	20	51	..	..	..	..
Graaff Reinet .	278 $\frac{1}{4}$	156 $\frac{1}{4}$	..	0 $\frac{1}{4}$	5,754 $\frac{1}{4}$	3,077	..	24	369,699	99 $\frac{1}{4}$	26	1,022	19	..	220	..	29	..	..	..	..
Uitenhage .	293 $\frac{1}{4}$	76 $\frac{1}{2}$	..	..	3,362	695 $\frac{1}{4}$	..	..	104,391	5 $\frac{1}{2}$	0 $\frac{1}{2}$	490	3	..	150	..	..	..	..	..	..
Tulbagh .	2,081 $\frac{1}{4}$	620 $\frac{1}{4}$	283 $\frac{1}{4}$	217 $\frac{1}{4}$	23,742 $\frac{1}{4}$	11,311	5,926	2,650 $\frac{1}{4}$	954,133	413 $\frac{1}{4}$	715	89	..	346	24	24	..	..	..	..	..
Total . .	13,378 $\frac{1}{4}$	4,124 $\frac{1}{4}$	2,639 $\frac{1}{4}$	1,724 $\frac{1}{4}$	52,427 $\frac{1}{4}$	9,036 $\frac{1}{4}$	25,192 $\frac{1}{4}$	19,268,046 $\frac{1}{4}$	9,433 $\frac{1}{4}$	841 $\frac{1}{4}$	5,104	598	86	1,629 $\frac{1}{2}$	271	104	26,135	626	..	354	1,066	

[Copy.]

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope for the Year 1807.

REVENUE:

		Rds.	skil.	st.
Lombard bank	Balance	51,709	2	3
Vendue duties	. . . . .	25,909	0	0
Customs	. . . . .	101,779	6	1
Land revenue	. . . . .	81,447	7	4
Tithes and transfer duties	. . . . .	69,819	3	0
Stamps	. . . . .	153,470	3	4
Sequestrator's department	. . . . .	35,628	1	0
Printing department	. . . . .	5,759	2	4
Port dues	. . . . .	6,527	0	4
Postage	. . . . .	5,745	3	0
Fines	. . . . .	4,032	5	1
Fees of offices	. . . . .	2,483	1	4
Purchase money of lands	. . . . .	3,972	4	4
Annual repayment by Stellenbosch	. . . . .	999	0	0
Old paper money formerly in circulation, and omitted to be exchanged	. . . . .	3,000	0	0
Grain fund.	. . . . .	1,902	0	0
Miscellaneous receipts	. . . . .	10,000	0	0
		7,759	0	1
	Rixds.	571,944	2	0

EXPENDITURE:

Civil list, sterling salaries	. . . . .	146,286	3	2
Colonial salaries	. . . . .	160,206	1	2
Public buildings (erection of new, and repairs of old buildings, &c.)	. . . . .	21,652	3	2
Cape regiment	. . . . .	71,346	4	4
Expenses of offices	. . . . .	8,469	4	3
Criminal prisoners and convicts	. . . . .	10,038	3	5
Freight and passage money, travelling expenses, &c.	. . . . .	2,845	2	0
Timber	. . . . .	18,652	6	0
Repair of the wharf	. . . . .	4,749	4	0
In lieu of old money formerly in circulation	. . . . .	1,902	0	0
Miscellaneous expenditure	. . . . .	2,898	2	2
Balance	. . . . .	122,896	6	4
	Rixds.	571,944	2	0

MISCELLANEOUS RECEIPTS:—1807.

	Rds.	skil.	st.
Court of justice, in reimbursement of the salaries of the clerks, &c., paid in the first instance from the Government Treasury order	6,000	0	0
Orphan Chamber, ditto.	1,526	7	0
Fiscal's Department: the amount of expenses refunded by several masters whose slaves were criminally prosecuted, and afterwards returned to them	232	1	1
	<u>Rixds.</u>	<u>7,759</u>	<u>0</u>
			1

EXPENDITURE, SUNDRIES, 1807.

C. Bosse, for making twenty sticks for Hottentot captains	500	0	0
C. Thew, the expense of maintaining two lions.	61	0	0
Mr. Flechshacker, in reimbursement of certain transfer duties	560	0	0
Lieut. Campbell, for having acted as paymaster to a detachment of the Cape Regiment	108	5	4
Mr. Thomas Barr, a remuneration for having proceeded to Plettenberg's Bay to load the Government timber on board a transport	100	0	0
Mr. T. Stackhouse, in reimbursement of certain import duties	46	2	4
C. Muller, for having taken charge of several sick persons at Paarden Island	75	0	0
Premiums given at the letting of the Groenekloof farms	610	0	0
C. Bird, Esquire, the amount of fees received on gunpowder issued	623	3	0
Mr. Hohne, several articles sent to the Caffre chiefs . .	134	4	0
Mr. John Ralman, the amount of materials furnished by him for the construction of the new road from Rondebosch to Muyzenburg	79	3	0
	<u>Rds.</u>	<u>2,898</u>	<u>2</u>
			2

(Signed) J. W. STOLL, Rec^r Gen^l.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, January 7th 1808.

MY DEAR LORD,—It has given me great uneasiness to be obliged to address you upon a public measure with which I am personally connected, yet for the future good understanding both of General Grey and myself, as well of those who may hereafter succeed us, I thought it best thus to bring the matter to issue.

I do assure Your Lordship that on all other occasions there has been a most cordial co-operation between us at the same time when we so materially differ as to the extent or even existence of my military command the permanency of that co-operation is not upon any stable grounds.

May I request that in adverting to the Secretary of War's letter to the Earl of Halifax, that you will bear in mind that it did not relate to a person in the first authority or who could have borne the title of *Commander in Chief* which I do, and that I cannot be considered as merely the *Civil Governor of a province* but as the Governor of an entire settlement vested with joint civil and military power for its support.

If with the supreme civil authority I should require force for the protection of my power and that the option of giving or refusing it rested with the officer immediately in the command of it then would civil power be controlled by military opinion and the Government perhaps left in the embarrassing position of issuing an order which the Commander of the forces might not be pleased to enforce.

It will not escape Your Lordship's notice that General Grey in noticing the support of the civil power expresses that he shall be happy to attend to my wishes. Now, my Lord, if General Grey does not consider that he is to obey my commands I confess that I shall feel my total inability to carry any measure in which I should differ with him.

As to the case immediately in discussion, if I have failed by argument to prove my right to the nomination I have at least a precedent in support of it and if that precedent be not confirmed

it will lead to this contradiction that the Commander of the Forces will appoint an officer to perform a duty which he has not the power of giving him a single instruction for his guidance in because the Commandant of Simon's Town has no other command over the troops of that garrison than what his military rank entitles him to nor can he act in any civil matter unless by an order delivered from the Governor.

As to the Town Major's office I am really at a loss to comprehend that argument which states that he has nothing to do with the police of the place and that he has no military duty but to parade the Guards. Surely that is itself a duty strictly military, but the conclusion drawn from it is what I beg to have particularly noticed that because he is a King's officer and paid by the Paymaster General his appointment also rests with him. Your Lordship's recollection of this situation in Dublin and elsewhere will corroborate what I have advanced and as to the power of issuing a general order I have the recent precedent of Governor North in Ceylon not to mention the frequent issue of orders from the Presidencies of Fort William and Fort St. George.

I well know the rock upon which my predecessor split and endeavoured by previous explanation at home to escape it but it was not my good fortune to obtain that attention which I thought the subject deserved and thus has devolved upon Your Lordship the unpleasant tho' I trust not difficult task of deciding its merits. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 9th January, 1808.

MY LORD,—Previous to my leaving England, I addressed a letter to Mr. Secretary Windham, bearing date 1st of Febry. 1807, in which I begged to be informed “whether there were any limitations introduced by practice and known in the service, which regulate and limit the general words of my Commission, as expressed in the Fourth Article of my Instructions ?” In reply to which I was acquainted, that my military powers were clearly and

explicitly defined in a letter from Mr. Dundas, then Secretary of State, to Sir George Yonge, enclosing the copy of a Dispatch from the Secretary of War to the Earl of Halifax, bearing date 7th of Febr. 1765, from which period nothing had occurred to encrease or diminish the power of a governor. The time of Mr. Secretary Windham about this period, was much occupied no doubt upon business of greater import. I accordingly addressed myself in conversation to Sir George Shee, then Under Secretary in Mr. Windham's Department; I pointed out the insufficiency I felt in the explanation, as the document referred to appeared inapplicable to the words of my Commission, and, if intended as a control, not bearing that power to invalidate the strong language subsequently inserted in my Commission under the Royal sign manual; no further notice, however, was taken of my representation, and I was only left to hope that those (in my mind) undoubted powers which I possessed might never be questioned.

After such a preface, Your Lordship will be led to suppose that the object of this letter is to explain a point upon which the Governor and Commander of the Forces differ, and in doing so I have at least the pleasing reflection to consider, that the question between us, being merely the difference of opinion upon a public point, it has not led to that heat which the discussion of such subjects frequently does to the injury or impediment of the public service and to the destruction of private harmony.

In my letter of the 25th July last, I noticed to Your Lordship the office of Commandant of Simon's Town,—this situation under the Dutch Government was purely civil, and the person holding it was called *the Resident*. Upon the settlement becoming British, an officer of the Army was appointed under the title of Commandant, when a salary of 10s. per diem from the Colonial Treasury, and a like sum paid by the Deputy Commissary General, was annexed to the office. His duty, if senior officer, is to command the troops and to perform such civil services as may be exacted of him; he inhabits the Government House and Garden, formerly occupied by the Resident, and corresponds with the Governor upon all civil transactions connected with his command. This situation has become vacant by the appointment of Lt. Colonel Austen, late Commandant, to be Military Secretary, and thence arises the question of whose nomination the appointment is in.

The accompanying letters, which passed between Lieut. General Grey and myself, will in some measure explain our views of the subject, and if it were merely a matter of patronage, I should have avoided bringing it before your notice ; but, my lord ! the question has deeper root,—my authority in Military matters is not only questioned, but absolutely denied ;—for what other construction can the tenor of the correspondence bear ? Let me ask, is that power which I derive from my Sovereign and that expression which can bear no ambiguity, “That all power, civil as well as military, is vested solely in you, our Governor,” to be subject to the construction which an officer commanding the troops may be pleased to put upon it ? Yet, Your Lordship, in reading the two last of General Grey’s letters, will perceive the tone of decision which dictated their contents, and, if the arguments advanced be approved of, I must consider civil subject to military control, and the powers of a Commander of the Forces, received from the War Office, superior to the commands and authority derived from His Majesty’s person and as it were identified with his dignity.

I am aware, my Lord, that it is not within my province to interfere in anything that relates to the discipline of the forces, either as applying to inspections or exercise ; but, with respect to the expenditure of public monies, the commissariat accounts, and the payment of the troops, I consider my superintendence not only requisite, but indispensable ; and that to omit it were highly culpable.

In point of military patronage, I conceive I have none, unless in cases where officers are selected for civil duties ; and surely the supreme civil power, not the Commander of the Forces, is then entitled to the selection.

It is almost unnecessary to point out the admission, which General Grey’s first letter contains, of his inability to appoint ; yet his second one states “that where an officer of the army is concerned, any appointment rests with him.” General Grey has never done me the honour of consulting with, or submitting to me any temporary promotion in the army, and why should he have deviated in this instance ? It was because the appointment was purely colonial, and unconnected with the command of the troops over whom he is placed, and consequently not inserted in the list of that establishment which he is directed to keep up.

I feel that I need offer nothing farther ; for either my under-

standing of the subject has been clouded in radical error, which Your Lordship's superior judgment and more enlarged knowledge will correct, or I shall receive a confirmation of the justice of my reasoning.

An apprehension, I must confess, makes a forcible impression upon my mind, that it may be conceived, that, actuated by these sentiments, I should at once have filled up the commission; but, my Lord, I shall rather hazard the imputations of indecision, which can only attach to myself personally, than risque in a public manner the disavowal of my authority and reduce the question to that extreme point, which would injure the public service, degrade our own characters, and consequently lessen the respect for those situations which we hold.

Thus impressed, it has been mutually agreed, that the appointment (which at this season of the year is of little use) remains vacant until we are instructed by His Majesty's commands.

I have, etc.

(Signed) CALEDON.

[Copy.]

Letter from REAR ADMIRAL STIRLING to CAPTAIN JOSIAS ROWLEY.

Diadem, TABLE BAY, 9th January, 1808.

SIR,—Having by His Majesty's ship *Malabar* received permission from my Lords Commissioners of the Admiralty to return to England, and it being necessary for the ship bearing my flag to go with the Indiamen at this anchorage, I purpose to take them under convoy, and it gives me pleasure to reflect that I leave the squadron under an officer of your reputation, and that there cannot be any objection to your rank, as you stand on the list next to Sir Home Popham, who was formerly Commander in Chief on this station.

You will have herewith original letters and orders I have received from my Lords Commissioners of the Admiralty, addressed to Rear Admiral Sir Thomas Troubridge or the senior officer, as also for, and from Rear Admiral Murray in the Rio Plata, which are numbered from No. 1 to No. 60 inclusive, as mentioned in the accompanying list.

Altho it is my intention to leave you to act as your judgment may direct, until the arrival of an admiral who may be shortly expected, I think it necessary to give you an outline of what has engaged my attention in the civil departments, and also the plans which I had in contemplation if I had remained here.

In the letter marked No. 50, you will perceive the senior officer is directed to enquire into the accounts of the late Mr. Alexander Farquhar, and Mr. William Maude as agent victuallers at the Cape of Good Hope, and the letter enclosed therewith from the victualling office points out the several circumstances which require particular attention. The correspondence with Mr. Maude on this subject has been forwarded to the Admiralty, as also respecting the payment of the hire of the *Whitby* transport, which Captain Culverhouse was directed to receive from him. In my last interview with Mr. Maude on these subjects, he produced certain papers, which he considered as conclusive that the whole of his conduct was governed by proper motives, and that Government was indebted to him. It was not possible for me to call in question what Mr. Maude advanced, but as I was officiating for a public board that ought not to be satisfied with bare assertions, I required further proof, and as he had no other written documents, I agreed to receive the testimony of any persons he chose to bring forward who were on the spot at the time, and the opinions of any respectable gentlemen respecting his claim, but Mr. Maude met with an accident soon afterwards, and my enquiries have not made any advance since the 10th Octr., altho' I was in town twice from that time, until my arrival in this bay, and have been laying here for the last five weeks, always ready to receive gentlemen on business. In one of my visits to town, Mr. Pallister told me that Mr. Maude was very pressing for the payment of about £2500 for wine sold to the squadron in Simon's Bay, but as I considered that he was bound to settle about the *Whitby* transport, and thought I saw apparent backwardness in doing so, I directed the Agent Victualler to withhold payment, as I expected, from what had passed, that I should have a full and sufficient statement to lay before my Lords Commissioners of the Admiralty for their Lordships' decision, but I have to regret the business remains as it was, and no further statement has been made, or security given for payment of what is due to Government.

In the same letter which conveyed instructions respecting Mr.

Maude, Mr. William Robertson, the late Agent Victualler, is mentioned, and in consequence thereof, I have written to beg I might see his accounts, but I only received a civil answer, without their being forthcoming.

Letter No. 15 directs an investigation into the accounts of Mr. Caryer Vickery, Surgeon of the Naval Hospital, which I have endeavoured to do with every possible attention to the individual, whilst I have not lost sight of what is due to the public. I shall, on my arrival in England, forward the whole correspondence with this gentleman to the Admiralty, but you will see by the copy of a letter lately written to him, which goes herewith, marked No. 49, that I ought not, nor cannot, allow him to draw for money to pay for outstanding debts, or what he says is due to him. There has been an insinuation, that in consequence of this refusal, the public faith may suffer, but I differ most essentially with people who hold such opinions, because the credit of a nation cannot depend on the head of an inferior department. The instructions to officers of all descriptions in our service, as well commanders in chiefs as others, positively direct certain forms to be attended to, and those officers are to produce certain vouchers, or otherwise they are made responsible for bills they draw. Mr. Vickery has not answered different questions I have put to him, respecting the reasonableness, or expediency, of his purchases, nor are the accounts which he has sent to me either made out according to form, attested by witnesses, or sworn to by himself. And consequently I should not only act contrary to my duty by advancing him money, but most assuredly would be made to pay for my folly in so doing. With respect to Mr. Vickery not having his salary, I beg to call to your recollection a message I sent to him this morning when he attended on board this ship, purporting that he might have paid himself whilst the finances of the hospital were under his control. Or, as he drew for part of his pay by the *Antelope* since Mr. Willett was agent, he might with the same propriety have drawn for all that had been due to him. In addition to this it was said, the agent offered to pay what was due in his time, but that Mr. Vickery had refused any, without he was paid from the first of his appointment. You may remember, Captain Warren brought me in reply, "He had been told so before."

I am of opinion that the expense for dieting patients in the

hospital is unnecessarily great, but I have not allowed many men to be there, and having been in constant expectations that orders from England would effect an alteration, I have not taken any decisive steps for fear of injuring the sick. As I hope you will call for all my letters to the different civil naval departments, you will see what I have said on the subject.

There has been a store hired, in my opinion, very improperly for some time, from Mr. Strombom at 70 Rix Dollars per month, which I have directed to be discontinued at the termination of the agreement the latter end of this month, and I have had a store in the hospital fitted up, which is sufficiently large to hold three times the quantity of medical stores belonging to the department. This unnecessary expense, as well as some others, probably arises from an unfortunate animosity between the agent and surgeon, which certainly prevents their talents from being so useful to the public as there is a right to expect.

You will probably find personal interference necessary in keeping the different official accounts under your control in a state of forwardness. I have to regret not being able to take home Mr. Willett's accounts, notwithstanding he was told on the arrival of the Indiamen, they were to be ready last Thursday.

Mr. Vickery's embarrassment may have originated from inattention to accounts, and it is to be deplored all accounts are not more minutely inspected, as no solid reason can be assigned for their not being constantly in a state of forwardness.

The stores under the hospital are appropriated for the use of the Agent Victualler, and are fully sufficient for every purpose he wants, except holding empty casks.

The naval yard requires some repairs, which might be done by a few shipwrights and a gang of labourers, and if not attended to before the winter may occasion considerable mischief. There is a great scarcity of spars, blocks and pitch at both yards, but in every other respect Cape Town has a sufficiency of stores for the summer season with due economy, and at Simon's Bay there is a large quantity.

It was my intention to obtain permission from the Governor to send to Plettenberg Bay for a supply of timber by the *Resource* transport, accompanied by the *Staunch*, as the prices asked by the merchants are enormous, and I think you might get a sufficient quantity at a moderate price with a little trouble. The naval

storekeeper will show you the alterations I meant to make in the arsenal at Simon's Bay, which will cost little more than what seamen can do, and be highly beneficial. I have found much advantage from employing seamen in all the departments as labourers, as the price paid to them is 1s. 6d. less than the hire of coolies, besides doing three times as much work, and I have been fortunate in not losing any seamen by desertion.

Adjoining the arsenal there is a store which is claimed by Mr. Osmond, and was paid for till the 30th September at the rate of 40 Rix dollars per month, but as I thought it unjust to pay for property which should belong to the King, I directed Mr. Pallister to stop payment until Mr. Osmond obtains a legal decision in his favor, or makes a satisfactory statement, for reference to the Admiralty.

By the *Sarah* transport which lately arrived, a good many blocks were brought from Monte Video, as well as some other stores which are useless, but these never could have been the King's property, because you must recollect how positive my orders were in the Plata, not to receive stores without they were fit for the King's service, and your master has declared, in a report of survey, that he is ready to make oath he saw the order carried into effect. My great object has been to conduct the public service on economical principles, whilst the ships were kept ready for effective service, altho' they might not have so many stores as some officers wished for. In the civil departments it is surprising how expenses will creep in even under the management of officers of respectability. Postage of letters is not demanded from the heads of civil departments: the hire of coolies should be avoided as much as possible: boat hire cannot be necessary: trifling repairs in office might be done by artificers from the squadron; and as I have only allowed one waggon to be hired for carrying stores from this bay to Simon's Town, I should not expect another application, until the yard officers move over for the winter season. I am not satisfied about paying for advertisements for Government, and I do not understand the reasonableness of horse hire on a plea of business.

I have constantly considered that the number of clerks in the Victualling Department is more than necessary, but as Mr. Pallister assures me that he wants their services, and there has been sufficient time for the Victualling Board to give instructions,

if they objected to the establishment, I did not intend to make any alterations until I received directions. The exposure of so many casks to the sun about the cooperage subjects them to damage, and I had in contemplation an idea of obtaining a permission from the General to have part of a large yard adjoining the Naval Stores appropriated for them, and to erect a temporary shed over them during the hot weather. At Simon's Bay likewise I would have built a shed over the Cooperage yard, as you will find I have done in the Naval Yard, and I purposed next summer, if I had staid on this station, to have extended the shed along the whole terrace, as well for the protection of the stores as the comfort of the workmen, as no store is to be paid for after the expiration of this month, without Mr. Osmond establishes his claim, from there not being any reason whatever for hiring stores, notwithstanding we have a larger supply of different things than was ever before known in this Colony. I meant to have given an apartment in the Naval Arsenal at Simon's Town as an office for the Agent Victualler.

The wine supplied at present is by contract at 2/10 per gallon, which was only to last for three months, as I was, and am persuaded it could be afforded at a cheaper rate, but as a much higher price was paid on my coming to this Colony for liquor not much better, I think you will find trouble in reducing the price. The contract for fresh meat, vegetables, &c., is in force for one year, and altho' I think if the time was expired I might make a more favorable bargain, I do not speak confidently on the subject, as I find a great combination to enhance the price of articles. I am satisfied about the provision made for the prisoners of war, but at the expiration of the present contract, I would oblige the contractor to furnish paillasses, which he could afford well to do for a trifling advance.

Lord Caledon and General Grey having wished that two transports should be kept for colonial service, I have detained the *Flora* and *Resouree*; the former is employed bringing a detachment of Troops from Algoa Bay, and the latter is ready to go for timber. I calculate on their being both here in March, and I should then load them with wine, spirits, bread or flour, with such other things as may be wanted in Simon's Bay for the winter, to prevent an iniquitous imposition which is practised there on the wants of Government. The other transports on this station are

lading with army stores, and I should send them home as opportunities offer, with those expected from India or others that may arrive.

Biscuit is getting short in the victualling stores, but as we have an immense quantity of flour, and the army has more than can be consumed, I would continue to bake it into bread. When you were going to sea some time ago 60,000 lbs. of bread was bought under an idea it was good, but altho' no complaints have come respecting what you have had, a considerable quantity has been condemned by survey in other ships, which of course must be deducted from the bill, according to the agreement I desired the Agent Victualler to make. Soft bread whilst ships are in port is good for men, and attended with a considerable saving of expence.

Since the ships of this squadron have been fitted for sea, I have mostly kept them in port, under a persuasion that I should be superceded, or that I should have orders from the Admiralty for my conduct. The *Laurel* and *Harrier* would have sailed some time ago to cruise off the Mauritius, if Captain Finley's indisposition had not induced me to detain them. I afterwards meant that you should have gone with them, until I determined to take advantage of the permission and order I had to return home, and as it then became necessary to leave you to forward the important duties on this station, the *Grampus* was selected, who I thought would have been ready for sea on Friday, but I find some objections are made to her proceeding before Tuesday. The *Cormorant* is cruising south from Cape La Gullas to the edge of the bank, where she is to remain until the second week in February. The *Staunch* is likewise cruising on the bank, and is to call in Simon's Bay this week, for orders either to extend her cruise or proceed to Plettenberg Bay. The *Paz* I think proper to take to England with me. The *Malabar* I should have sent to England so soon as clear, with any transports ready to accompany her. The *Cormorant* should follow with the next transports that may be ready, and the *Hermes* after her arrival, with those expected from India, and such others as are not ready at an earlier period.

By letters from Sir Edward Pellew, the *Sceptre* may soon be expected here, and in such case I would order the *Grampus* back to India.

Since writing this letter, I have been informed by Mr. Pallister that Mr. Maude proposes to institute a process at law for the

money owed to him, I presume Mr. Pallister will show you my answer to that letter, and likewise an Order for him to deliver a cargo of coals consisting of 300 tons for the use of the Army which were intended for Monte Video. Two reasons have induced me to do this. One is because Government pays £25 per chaldron, and the other is the Agent Victualler has no place to put them, without hiring stores at an enormous expence, and thereby meeting certain waste and loss.

I subjoin a List of the Ships and Vessels which I leave under your Command, together with those expected from the Rio de la Plata, viz.—

<i>Raisonable,</i>	<i>Sapphire,</i>
<i>Malabar,</i>	<i>Harrier,</i>
<i>Laurel,</i>	<i>Staunch,</i>
<i>Grampus,</i>	<i>Nereide,</i>
<i>Cormorant,</i>	<i>Hermes,</i>
<i>Otter,</i>	<i>Charwell.</i>

} expected from
La Plata.

I enclose a list of forms, &c., which you will herewith receive.

I am Sir, etc.

(Signed) CHAS. STIRLING.

[Original.]

Letter from REAR-ADMIRAL STIRLING to the HONOURABLE WILLIAM WELLESLEY POLE.

Diadem, CAPE OF GOOD HOPE, 10th January, 1808.

SIR,—Nine sail of homeward bound Indiamen having arrived here without convoy, and conceiving My Lords Commissioners of the Admiralty would be desirous they should not be detained, but forwarded with sufficient escort, I determined the *Diadem* should accompany them, as by the report from the Master Shipwright, it appears she is not fit for cruising in these seas.

In a former letter, I acknowledged the receipt of their Lordships' permission, and order, dated the 4th June, for me to return home, with directions to Rear Admiral Murray to send me with a convoy to Spithead, and as I had no reason whatever to flatter myself it was intended I should be honored with the command on this station, and urged by other motives, I have followed the advice of my surgeon, who thinks a fresh attack of

the complaint I had last year requires a change of climate, and intend taking my passage in this ship.

I enclose herewith the copy of a letter which I have written to Captain Rowley, whom I leave in the command, detailing all the information in my power for his guidance. I make over to him, a squadron well manned, in good health, and in good condition, with the business of the Civil Naval Departments in such train that imposition may be guarded against, if it should be attempted.

In the service on which I have been employed since leaving England, I consider myself fortunate in having had the honor to meet their Lordships' approbation of my conduct at Monte Video, as well as the thanks of both Houses of Parliament, and as my efforts have continued unceasing for the general good, I hope it will be thought I have fully answered the purposes for which I was sent, and that the public expenditure under my controul has been properly and effectually economised. I have etc.

(Signed) CHARLES STIRLING.

[Original.]

Letter from CAPTAIN ROWLEY to the HONOURABLE WILLIAM WELLESLEY POLE.

Raisonable, TABLE BAY, 11th January 1808.

SIR,—I beg leave to acquaint you, for the information of my Lords Commissioners of the Admiralty, that Rear-Admiral Stirling has quitted this Station on the 10th Inst. on his return to Europe. I have as the officer next in command, in pursuance of the directions contained in Chapter 2nd, Article 42, Naval Instructions, hoisted a Broad Pendant, and taken Command of His Majesty's Ships and Vessels on this Station until their Lordships pleasure shall be known. I have &c.

(Signed) JOSIAS ROWLEY.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas W. S. van Ryneveld Esqr. His Majesty's Fiscal, and J. J. Vos Esqr. President of the Burgher Senate, have, in obedience

to my commands, assessed the different farmers in such proportions of chaff as it will be incumbent on them to furnish for the supply of His Majesty's cavalry during the present year; I do therefore hereby think proper to notify my approbation of the above-mentioned assessment, and further to direct, that the several farmers herein named do deliver at the Commissary General's stores in Cape Town, as soon as possible, the several quotas of chaff expressed against their names in the following list:

And if any farmer or farmers, so assessed, shall not have delivered his or their proportion of chaff, on or before a day to be hereafter specified, His Majesty's Fiscal will be instructed to cause an equal quantity to be purchased, at whatever the market price may be, at the expence of such farmer or farmers, and to be delivered into His Majesty's stores.

And whereas it has been reported to me that the sum of thirty rixds. for each load of 16 sacks, if delivered in Government sacks, and thirty-two rixds. if delivered in the farmers' own sacks, appears to be a fair and equitable price for the same, I do therefore hereby make known, that the above sum will be paid by the Deputy Commissary General for the chaff he may receive during the present year.

Given under my Hand and Seal at the Cape of Good Hope, this 19th day of January 1808.

(Signed) CALEDON.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas by the 19th and 21st Articles of the proclamation of the 22 of August 1794, it was judged expedient to enact, that no person should purchase any articles of a slave, excepting provisions; and that no slaves should be permitted to hawk any commodities whatsoever, provisions excepted, in order that as little opportunity as possible might be given for disposing of stolen goods.

The salutary provisions of this enactment having however been subsequently repealed (under certain restrictions), by the proclamation of the 6th February 1805, with a view to afford more ample means of subsistence to those whose circumstances might

not allow them to keep a shop, it has been represented to me by His Majesty's Fiscal, that, instead of the beneficial effects which might have been expected from the indulgence so granted, the practice of permitting slaves to carry every description of commodity through the streets for sale has been highly detrimental to the police of the town, and injurious to the welfare of the Colony in general; I do therefore think proper, by these presents, to renew the aforesaid provisions of the law of the 22nd August 1794, and to direct:

1st. That no person shall purchase any articles whatsoever of a slave, excepting provisions; and 2nd. That no goods of any description (provisions excepted) shall be carried about for sale by slaves, affixing a penalty of fifty rixdrs. on conviction of transgression against either of these cases; and further, of confiscation of such goods as may henceforth be carried about for sale by slaves.

And in order that indigent widows and others (whose situation and circumstances do not permit them to keep a shop) may not be deprived of the benefit of knowing through what channel to dispose of such articles as they may think proper to traffic in, every person intending to carry on the trade of a hawker or pedlar is

1. To address himself to the office of the Secretary of the Colony, there to take out an annual licence for such purpose on a stamp of twenty rixdrs.

2. To produce such licence to His Majesty's Fiscal, in order to its being duly registered.

3. To carry such licence always about him for the satisfaction of the under sheriffs and constables, who are hereby directed to stop all hawkers and pedlars, in order to ascertain whether they are provided with the regular licence, as hereby ordered; and any person convicted of trading as a hawker or pedlar, without a regular licence, will incur a penalty of fifty rixdrs.

And in order that no person may plead ignorance thereof, I have caused the same to be published and affixed in the usual manner.

Given under my Hand and Seal at the Cape of Good Hope, this 22nd day of January 1808.

(Signed) CALEDON.

[Office Copy.]

Letter from E. COOKE, ESQRE. to LORD CALEDON.

DOWNING STREET, 26th Jan. 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the bearer, Mr. H. G. Muntingh, to return to the Cape of Good Hope, where he and his family have resided for some time. I have etc.

(Signed) E. COOKE.

[Copy.]

Proclamation by the EARL OF CALEDON.

Having taken into my consideration several representations that have been made to me of the inconvenience that arises for want of a distinct demarcation of boundaries of the new drostdy of Tulbagh, I have judged it expedient to define the limits thereof, and hereby to direct that all persons residing within the same as hereunder described do take special care to give in their Opgaaf to the Landdrost of Tulbagh, annually, by the time prescribed by law, and do consider themselves in future wholly within the jurisdiction of the drostdy.

But in as much as the difficulty of the passes and the badness of the roads would render it extremely inconvenient for the inhabitants of the several districts of the Oliphants River, the Onder Roggeveld, Hantam, Onder or Great Bokkeveld, and Namaqua Land, to proceed to Tulbagh in compliance with the directions herein given, it is my intention forthwith to appoint a deputy landdrost to be resident at Jan Dissels Valley, in order to receive the Opgaaf of the several districts above mentioned, and for such other purposes as will be communicated to the inhabitants of the district of Tulbagh through the landdrost, or landdrost and heemraden thereof.

The Great Berg River from its mouth at St. Helena's Bay to the spot where the Koopmans River falls into it, is to be the line of division between the drostdies of Stellenbosch and Tulbagh; the division will from thence be marked by the Koopmans River itself to its source, after which the great chain of hills as far as

the Marais Hoogte, and from thence the River Zonder End Hills to the Baviaans Kloof will form the boundary of the two drostdies.

Thus the land to the eastward of the great Berg River, and to the northward of the Koopmans River, is to belong to the drostdy of Tulbagh; while that to the westward of the Great Berg River, and to the southward of the Koopmans River, is to continue as heretofore under the drostdy of Stellenbosch. And the districts of the Gaudine, Brand Valley, Breede River, and half of the Bossies Veld, laying to the north-eastward of the great chain of hills above described, are to be considered as belonging to the drostdy of Tulbagh; while the districts of Groeneberg, Wagenmakers Valley, Drakenstein, the Paarl, and the River Zonder End, are to remain under the drostdy of Stellenbosch.

From the Baviaans Kloof in the River Zonder Ends Hills, the division between the drostdies of Tulbagh and Swellendam is formed by an ideal line, which crosses the Bossies Veld in a north-easterly direction, between the veld cornetcies of Laurens and Opperman as far as the Goerits Hoogte, dividing the Breede River nearly at right angles at the Matjes Drift.

The land to the northward of this line, viz., the veld cornetcies of J. Laurens and Naude, will belong to the drostdy of Tulbagh, and the veld cornetey of J. P. Opperman will belong to that of Zwellendam. At the foot of the Goerits Hoogte this ideal line again joins the great chain of hills to the north of the Breede River, which chain to the eastward of the Hex River, and to the southward of the Draay, will constitute the line of division till it joins the old boundary, leaving thus the Draay, the Straat, and the Hex River, under the drostdy of Tulbagh.

Given under my Hand and Seal at the Cape of Good Hope, this 1st day of February 1808.

(Signed) CALEDON.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint Daniel

Johannes van Ryneveld Esqre. Deputy Landdrost in the district of Tulbagh.

Castle of Good Hope, 1st February 1808.

By Command of His Excellency the Governor.

(Signed) C. BIRD, Acting Col. Secretary.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 3rd February, 1808.

MY LORD,—I have received your Lordship's letter of the 24th Sep^r last, No. 18, upon the subject of Mr. Fagel's appointment to be vendue master of the Cape of Good Hope, in which you state that as his commission did not express that Mr. Fagel was to enjoy any exclusive rights, and as the situation of vendue master had been long opened to any person who would give security, and take out a licence, you did not think it was my intention that the two gentlemen who had taken out, and paid for, their licences to act should be immediately dispossessed, and that you had therefore declined giving Mr. Fagel those powers he wished for until you should be further acquainted with His Majesty's pleasure, that however in order to mark your attention to Mr. Fagel you had appointed him to act as comptroller of the customs until the arrival of Mr. Raynsford.

I am now therefore to signify to your Lordship that it was His Majesty's gracious intention that Mr. Fagel should enjoy the situation of vendue master in the colony of the Cape of Good Hope, in as full, ample, and beneficial manner as that employment had at any time been held or exercised by any former vendue master in that colony, or as the same office is enjoyed and exercised in the other colonies which have been conquered by His Majesty's arms from the Batavian Republic. The omission made in the commission of Mr. Fagel has probably arisen from the circumstance that it was made out at the Treasury and not in the Colonial Department, as it ought to have been. Your Lordship will therefore lose no time in placing the office of vendue master upon the same footing upon which it was held before it was laid open.

I am at the same time to do every justice, on the one hand to

your consideration of the existing circumstances respecting the office of vendue master, which seem not to have been adverted to when Mr. Fagel's appointment was made; and on the other, to your attention to the marked wishes of Government in his favor, whereby you endeavoured to prevent his interest from suffering during the period which would be necessary for obtaining a decision upon them.

If your Lordship shall consider it as a matter of justice that Messrs. Matthiessen and Ziervogel should be reimbursed the amount of the fees they paid for their licences, the measures your Lordship shall take for that purpose will be readily sanctioned.

I have etc.

(Signed) CASTLEREAGH.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, February 4th, 1808.

MY LORD,—Lieut.-Governor Grey, in a letter addressed to Mr. Secretary Windham bearing date the 14th of April 1807, reports that there are two church livings vacant and the third occupied as a temporary measure by a missionary; each preferment is worth £200 per annum, besides a salary to the widow in case of survivorship.

I beg to call your Lordship's consideration to this subject and to submit how essentially necessary it is that these livings should be filled up when gentlemen eligible for such situations can be found who will undertake the charge. The widely-extended population of the country and the paucity of religious establishments render residence particularly incumbent; for, even in those country parishes where the Sabbath is constantly observed by public worship, many of the families have a distance of three days' journey and few less than six hours to travel.

Such religious principles as the Hottentots are possessed of have been obtained from the missionaries, and I trust that in countenancing this meritorious class of people, especially the Moravians, I am at the same time meeting your Lordship's wishes.

One society of Hottentots, under the direction of the Moravian

Brethren at Baviaans Kloof, exceeds 800 souls, and it is my intention to establish another at the Government place of Groene Kloof, where their industry can be applied to useful purposes.

By the exertions of the missionaries, the wandering natives are formed into such societies and taught by labour to supply their wants, whilst the Hottentot soldier, formerly without a sense or feeling of religion, now knows the nature of an oath and appreciates its value.

It has heretofore been the policy of the Batavian Government rather to discountenance than to promote a knowledge of Christianity in the slaves, nor does their instruction appear to have been a measure sufficiently if at all in the contemplation of the former British Colonial Government.

The imported slaves are mostly from Mozambique, arriving here in total ignorance, and being permitted to remain in that state, they for the most part embrace the Mahomedan faith.

Anxious to undermine such a doctrine and to afford these unfortunate people the consolation of a purer religion, and judging that it can not be done so effectually as by the propagation of Christian knowledge, I have empowered the clergyman of the Reformed and the clergyman of the Lutheran Church each to appoint an instructor under him for the duty of promulgating the Gospel to the slaves belonging to the members of their respective congregations. Such a measure has been highly consonant to the feelings of the most respectable inhabitants, and I hope will obtain your Lordship's approbation.

The great encrease of English inhabitants obliges me to represent the necessity I feel for a colonial chaplain.

The civil servants of Government and the other inhabitants can attend divine service in Cape Town, when administered by the garrison chaplain to the troops, but neither the inhabitants of Simon's Town nor the military there have such an advantage, and upon the arrival of fleets in the winter season the deficiency is particularly obvious to those who may be religiously disposed.

If your Lordship is pleased to adopt the suggestion just offered, the salary might be defrayed from the Colonial Treasury, and the income made equivalent to the pay and allowances of a chaplain to the forces, and lest there should be a difficulty of procuring incumbents for the vacant living for want of a proper application,

I beg to mention the name of the Rev. Dr. Wernich, resident Dutch clergyman at Austin Friars, for a gentleman who could probably be able to recommend, and whose recommendation might be attended to. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 4th February, 1808.

MY LORD,—Although I have not received from Your Lordship a copy of the Act for the abolition of the Slave Trade, yet that Act having come before me in a private form, I feel myself bound to regulate my conduct according to its enactment.

As I do not understand from the perusal of it that the sale or transfer of those slaves already possessed is prohibited within the jurisdiction of the settlement I am not aware that the inhabitants can suffer any inconvenience; at the same time there is a case which does not seem so clearly provided for, and I am to request Your Lordship's instructions, whether an inhabitant of the Cape, possessing slaves and wishing to remove to a West Indian Island in the possession or occupation of His Majesty, can remove his slaves with him as part of his property? The Act does not prohibit the removal of slaves from one West India Island to another, but prohibits the removal generally from Africa to the West Indies, and thus, if taken in the full sense, would deprive this Colony of a right enjoyed by His Majesty's subjects in the West Indies.

I am likewise to request Your Lordship's commands for the disposal of those slaves who may be brought here in captured vessels, and to point out, as an additional reason for the conversion of the Cape Regiment into a black corps, that negroes so imported can be immediately delivered over to the Officer in command of the corps, without remaining an encumbrance to His Majesty's civil Establishment.

I beg also to observe that the sum of £40 allowed to the captors, is nearly double the value of a man slave imported here, and the price affixed for women and children is proportionately great.

There are now three detained Portuguese slave ships lying in Table Bay, and, as some of them may be eventually adjudged prize, I hope to be apprized of Your Lordship's determination as soon as circumstances will admit. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, February 4th, 1808.

MY LORD,—It was naturally my intention upon my arrival here to have investigated the state of the paper money, both as to the quantity already issued and the security upon which it rested; but I was led into the subject at an earlier period than I at first proposed by frequent representations of the usurious practises of some of the most wealthy individuals in the Colony, by the absorption of the Colonial currency and by its supposed inefficacy as a circulating medium.

Previous to submitting what I feel it my duty to offer, I am to acquaint your Lordship, that, for the purpose of obtaining the most accurate and authentic information upon these points, I instituted a committee, and although the ostensible motive was an enquiry into the actual state of the Loan Bank, yet the commission was charged to examine and report upon other matters connected with the subject.

It is from the researches of this committee, and from information that I think may be relied on, that I have now the honor to address myself to Your Lordship, and I shall endeavour to be as brief as the subject will permit me.

The origin of paper money in this Colony was coeval with the American War in which Holland took a part, and which occasioned such a diminution in the supplies from the Mother Country that Governor van Plettenberg, to relieve the temporary distress, caused an issue of Rixdrs. 47,696·24, and that upon no other security than the good faith of the Government and a solemn assurance that the paper money so created should be redeemed as soon as the pressure of the existing war could enable Government to receive the ordinary supplies from home.

From May 1782 (the period of the first issue) to the year 1784, a sum of Rds. 925,219.46 St^{rs} was thrown into circulation, but the sum of 825,904.36 being afterwards redeemed by specie or by bills on Holland, left in circulation in the year 1789 the sum of 99,315.10 St^{rs}.

This partial reduction of the original issue seems to have affixed credit to the remaining sum, and to have rendered farther issues by succeeding Governors more easy; nor indeed did the Inhabitants appear to have evinced a suspicion of insecurity of such property.

Accordingly additional sums were from time to time created between the period already mentioned and the year 1793, when the Commissioners General on the part of the Batavian Government (at that time establishing a loan bank) ordered that the total amount of the paper currency should not exceed one million rixdollars, nevertheless a subsequent issue in the year 1795 took place, and it was found upon the surrender of the colony that the total amount in circulation was Rixdrs. 1,291,276 42st^{rs}.

At the capitulation Governor Sluysken proposed an article, which was agreed to, namely "to continue the paper money in its present value to prevent the total ruin of the inhabitants," and an additional article, the houses and lands, the property of the Dutch East India Company, were mortgaged to its amount, by which means there was both a security and value in the currency which never could antecedently have existed.

From the occupancy by the British until the evacuation there were but three sums created, the one of 250,000, the other of 165,000, and the last of 80,000 Rixdrs.; the cause assigned for the first augmentation was that the inhabitants refused to take Government bills on England, the second sum was created as an addition to the capital of the Loan Bank, and the last for the purpose of procuring rice in the time of scarcity. Upon the restoration of the colony these sums were accounted for to the Dutch Commissioners in the following manner: the sum of 250,000, by the sale to the Batavian Government of stores, ammunition etc., the sum of 165,000 advanced to the Loan Bank remained at large, having for its security the mortgaged property of those who borrowed it, and the last of 80,000 was liquidated by the sale of rice, the very article which it represented.

According to every principle of good faith and honor, these sums of 250,000 and 80,000, so redeemed, should have no longer

remained a burthen upon the public as consequently tending to depreciate the original capital, but it seems that the apparent advantage of the moment superceded every other consideration—that sum which in justice should have been destroyed upon the delivery of the rice was converted into a corn fund, and together with the other sum remained at large upon the public. It follows therefore that those sums, issued and subsequently redeemed by the English Government, have in reality no security; but, lest the same denomination of paper money should at any time bear a different value proportioned to the credit that would be given to good security over that the eventual payment of which was not secured, the Batavian Government by a proclamation bearing date 18th January 1804 called in all the old paper and in lieu thereof issued a new coinage, thus blending in one mass all monies the creation of the Colonial Government.

From this period until the surrender of the Colony to His Majesty's Arms in 1806, the Batavian Government by degrees added 300,000 Rixdrs. to the paper currency, and although the particular purposes for which the sums so created were specified, yet the application was widely different from the proposed object, inasmuch as money, created for the erection of public buildings, was converted into a military chest, and the security which the buildings would have been, like the plan for erecting them, fell to the ground, nor was this the only proof of bad faith towards the community, part of those lands and the buildings upon them, which were secured for the payment of the original sums, were sold in lots to individuals for 80,000 Rdrs., to which amount the public credit has in consequence suffered.

The gross amount of the paper money in circulation in the colony at the surrender in January 1806 was Rdrs. 2,086,000, to which Sir David Baird added 83,197 Rixdrs., making the total sum in circulation Rdrs. 2,169,197.

Having thus briefly stated the quantity and security for the paper money, and referring Your Lordship to No. 1, if a more detailed account be thought necessary, I am in continuation to submit that, notwithstanding so large a floating capital, it has been found that there is a scarcity of paper money actually in circulation, whether that scarcity results from the scanty means of remittance or the loss of mercantile credit for want of confidence between man and man, whether it be these causes combined or

the effect of others, yet this being the case, I shall suggest the means of relief which, under Your Lordship's sanction, I propose to adopt, first paying attention as to the nature and establishment of the Loan Bank.

The Loan or Lombard Bank was established in the year 1793 by the Commissioners General Nederburgh and Frykenius, who were sent out to regulate the affairs of the Dutch East India Company in their Eastern possessions.

The general distress felt in the mother country at that period extended itself to this Colony, and, in order to give temporary relief to those persons who, though possessed of property, were notwithstanding unable to answer the demand of the moment, Government caused this Bank to be established, and to effect its purpose ordered a creation of paper money to the amount of Rdrs. 680,000, *vide* No. 1, Letter N.

The administration of the Bank was invested in a president and two members, to whom the money was entrusted with instructions for its distribution upon sufficient security for the encouragement of trade and industry in the settlement.

According to their instructions, this board was authorized to lend money on moveable as well as immoveable property, but the loan was not to exceed a period of two years; with an additional clause, leaving it to the discretion of the committee to renew the loan at the expiration of the term. The loan was likewise granted at 5 pr. ct., being 1 pr. ct. less than the legal interest.

To the original capital Acting Governor Lt. Genl. Dundas added in the year 1802, by a new creation, the sum of Rdrs. 165,000, *vide* No. 1, Letter V, which made the gross sum amount to Rixdrs. 845,000.

A bank which had for its object the relief of distressed industry and the promotion of trade was no doubt an establishment worthy of a considerate Government, but this institution, which professed the attainment of such objects, has by the mode of administering its affairs rather tended to the prejudice than to the relief of the industrious part of the community.

That clause which empowered the committee to continue the loan beyond the period of two years, and was intended to be used solely upon particular occasions, became general in its application, the repayment was never made nor even demanded, and consequently each loan diminished the capital without a reflux of its

former issues to answer subsequent applications ; nor was this the only abuse. It has likewise been found that it was not the necessitous alone who sought for and obtained the advantages of a loan. The speculator who could succeed in borrowing from the Bank a sum at 5 pr. ct., lent it at encreased interest to the more needy, whose want of security perhaps prevented relief from the regular channel, and thus an establishment, instituted partly for the suppression of usury, afforded the means to many individuals of conducting an usurious traffick with the additional advantage at all events of obtaining 1 pr. ct. if lent at legal interest, without being subject to the cognizance of the law.

Of the capital of the Bank, amounting to 810,255 Rixdrs., there is at present on loan Rdrs. 810,222.16, from which it results that the establishment, having no longer the means of lending farther sums, is a burthen instead of an advantage to the public, whilst the whole of that paper, which has no other security than the mortgage of the borrower, being identified with the other colonial paper, the faith of Government is ultimately pledged, if circumstances should require its redemption.

I have already stated to Your Lordship that there is an absorption of the paper currency, and I have shewn that the Loan Bank, under existing circumstances, is totally inefficient, as affording relief to temporary distress ; for the attainment therefore of that relief, which the Loan Bank is unable to produce, I propose the conversion of the Loan into a Bank of Discount, or, if not the total diversion of the Loan Bank from its original purport, that there shall be additional powers and instructions given it for the discount of bills at short sight under proper and sufficient security. In so small a society the circumstances of every merchant are too well known to make the act of discounting a matter of much hazard, and its adoption must certainly destroy the system of usury which still prevails and prevent that perpetual recourse to vendues or sales by auction which is the usual mode of obtaining money, and which costs the party so obtaining it at least $7\frac{1}{2}$ per cent.

To institute a bank of this sort without a capital could not be done ; but the mode of obtaining a capital does not appear difficult, and I therefore propose that the unappropriated interest arising from the funds of the Orphan Chamber, amounting to Rdrs. 96,000, which has no defined object nor any relation to the property of the minors, part of the surplus in the hands of the Receiver General,

amounting to Rdrs. 150,000, collectively Rdrs. 246,000, should form the basis, added to which would be the repayment of the debt to the Loan Bank, which I shall direct to be paid in the following proportions after six months notice, viz.: by the inhabitants of Cape Town 10 pr. ct. annually of the principal, by the inhabitants of the country 6 pr. ct., and all parties in future to pay the interest at 6 pr. ct., but, lest the foregoing sum should not be found adequate as a capital for such an establishment, I am to request Your Lordship's permission to create, if it should hereafter be found expedient, a sum of paper money not exceeding 400,000 Rixdrs., which sum so created should be gradually destroyed as the capital of the Loan Bank is repayed. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, February 4th, 1808.

MY LORD,—Together with the account of the Receiver General for the months of October, November, and December, I have the honor to transmit the several Proclamations and Government Advertisements, issued between the 25th September 1807 and 1st February 1808. I have &c.

(Signed) CALEDON.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 5th Feb., 1808.

MY LORD,—I have received Your Lordship's dispatches of the dates and numbers mentioned in the margin, which have been laid before the King, and in answering them I shall follow the order in which they have been written.

In Your Lordship's letter of the 15th of June, you state the circumstances by which an attempt had been made to convert the whale fishery on the coasts of the Colony into a monopoly, and your reasons for the policy of laying the fishery open. In these reasonings I am happy to concur, but with respect to the measures

you recommend for making the Cape an entrepôt for oil, I am afraid that a system for fitting out the whalers from the Cape and not from England would be much objected to for reasons which must occur to your Lordship.

Your Lordship's letters of the 25th inform me of the measure you had taken for admitting British manufactures free of duty, in which you acted with a just discretion, as has been satisfactorily proved to you by the orders you have since received and executed.

Your next letter incloses the proclamations you had issued on various points, of which I am to express my approbation.

With respect to the case of prize property which you submit in a letter of the same date, I beg to refer you to the Report of His Majesty's Advocate General transmitted by me on the 25th October last, which will govern your decision in this case.

The commission for enabling your Lordship to try pirates has been unavoidably delayed in its progress thro' the different offices, but it will now shortly be completed, and shall be forwarded to your Lordship by the first opportunity.

No. 15 contains your Lordship's representations on the request of the Collector of the Customs to be allowed a dwelling house or an additional salary of £200 a year in lieu of it. As, however, there does not appear any ground which renders such an allowance necessary, I am not authorized by His Majesty to accede to this application.

I have directed measures to be taken for supplying your Lordship with the kinds of paper and stamps which you conceive will be useful in preventing forgeries in the Colony.

In No. 17 your Lordship recommends that the extraordinaries of the Cape Regiment should be transferred to the military department, and no longer be defrayed as a colonial charge. Upon this head I rather wish that the existing mode of payment should be adhered to, as it will preserve the whole of the colonial expences in one account, and in case the Revenue shall not answer the entire charge, your Lordship will of course take measures for applying to His Majesty's Treasury for the difference, stating the necessities of the Colony.

Your Lordship's dispatch No. 19 incloses a further set of Proclamations which you had issued. That which regulates the fees of medical practitioners in their various classes seems opposite to

the policy generally adopted as to the gains of professional men, and I must therefore conceive there must be some peculiar reasons resulting from the state of the Colony which make such a regulation indispensable, and of which I should wish to be informed.

It has also occurred to me that your order for the personal appearance of the inhabitants in order to give in the registers of their families is not of an usual kind, and possibly a mode of effecting the object may be suggested by your Lordship which would be attended with less inconvenience. At this distance, however, I by no means wish to give a decided opinion upon a subject which I have no doubt you have well considered.

It appears from No. 20 that your Lordship has allowed a limited import of some articles wanted from China, but I am happy to find that you have restricted the importation as much as possible.

The Constantia wine is arrived, the shipping of which you announce.

I much regret that I do not find it in my power to comply with the representation of the officers of the Colony for altering the period at which their salaries are to commence, and which were established upon full consideration by my predecessor in office.

Nos. 24 and 25 are the last dispatches to which I am to refer, which relate to the arrival and sailing of the 47th Regiment and the arrival of the 89th. I am concerned to find that you thought it necessary to desire that two of the transports going with the 47th should bring back cargoes of rice, upon a double account. First, that I fear the state of India has been such as not to allow you a relief, 2ndly, that the Colony should appear so subject to scarcities of corn.

To this most important subject I am to request you will apply your attention, and endeavour to suggest means by which an abundance of grain may be secured and render external supply at all times unnecessary. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 5th Feb., 1808.

MY LORD,—I transmit to your Lordship herewith the copy of a letter from Mr. Fawkener to Mr. Cooke, inclosing by direction of the Lords of the Committee of Privy Council for Trade and Foreign Plantations a petition and other papers on behalf of Sarah Batt, who is stated to have been imprisoned and sent to England from the Cape of Good Hope, for no other cause than having married there before the expiration of a certain time of residence. I am to request your Lordship will direct an enquiry to be made into the circumstances of this case, and report to me the result.

I have etc.

(Signed) CASTLEREAGH.

[Original.]

Letter from CAPTAIN ROWLEY to the HONOURABLE WILLIAM WELLESLEY POLE.

HIS MAJESTY'S SHIP *Raisonable*,
TABLE BAY, 8th February, 1808.

SIR,—I beg leave to acquaint you, for the information of their Lordships, that His Majesty's ship *Malabar* has my directions to proceed to England with the four transports named in *Monarch*, *Union*, *Britannia*, *Tyne*, the margin under her convoy, pursuant to the intentions of the late Commander-in-Chief on this station.

The *Sceptre* arrived here on the 1st inst. with orders from Sir Edwd. Pellew to Captain Bingham to put himself under the command of the senior officer on this station. I beg to observe from the reports of the master shipwright who I directed to examine into her defects, added to the information of her captain, I feel persuaded of the propriety of sending her home as early as possible, and should I not receive directions on that head from their Lordships I purpose to order Captain Bingham to proceed to St. Helena at such time next month as that he may be in readiness to afford protection to any of the homeward bound

China ships that may be in want of convoy, and also that the ship may have the advantage of the most favorable season for her passage home.

Captain Woolcombe in the *Laurel* sailed hence on the 20th Jany. with the *Grampus* and *Harrier* under his orders, pursuant to former instructions from Rear Admiral Stirling to cruise off the Isle of France, and it is my intention if possible to send a force to relieve them on the expiration of their cruise, more especially as by accounts received by the *Seepre* I am concerned to learn that the *Semillante* and *Piedmontaise* frigates and other cruisers from the Isle of France have recently made captures to a very considerable amount in the Bay of Bengal.

By the report of Captain Siby, commander of the *Hermes*, I am led to expect that the *Nereide* and *Charwell* will shortly arrive from the River La Plata, the former I understand has been on shore and will it is feared require to be docked. The *Sapphire* sailed from hence on the 28th Jany.

I beg leave herewith to transmit the actual dispositions of the squadron under my orders, with an abstract of their state and condition. I have etc.

(Signed) Jos. ROWLEY.

[Original.]

Letter from the REVEREND R. JONES to VISCOUNT CASTLEREAGH.

CAPE TOWN, SETTLEMENT OF GOOD HOPE, Febr. 22nd, 1808.

MY LORD,—I must apologize for presuming to address your Lordship by pleading local situation.

His Excellency the Governor of this settlement having represented the necessity he sees that there should be a Protestant English clergyman on the civil establishment here, and the impossibility for the Brigade Chaplain to fulfil the duties, I beg leave to say that I shall feel grateful for the appointment, provided your Lordship has no other person whom you may wish to present. I had the honor of being appointed Brigade Chaplain by General Grey, and am now superseded by Dr. Halloran, who received his commission before the General's recommendation of me arrived in England. I am, in consequence, unemployed, and being anxious to remain

in this part of the world, undertake the duty of Colonial Chaplain, by the permission of His Excellency, until the result of this dispatch is known, and that I am myself informed whether you think proper to nominate me. The troops being encamped half the year, and likewise the garrisons of Simon's Town and Stelling-Bosh, two places thirty miles apart, being alternately to be served by the Brigade Chapl. render it perfectly out of his power to attend to the colonial duty ; but I know Dr. Halloran has written on the subject, tho' Lord Caledon has represented to him in the strongest terms, that a clergyman entirely distinct from the army is what is requisite and what he has written to your Lordship to appoint if you think proper.

Being a total stranger to your Lordship, I should not have thought of intruding myself upon your notice, but that in consequence of being upon the spot, and voluntarily doing the duty without any remuneration, my application may not be deemed impertinent, and your Lordship may be induced to comply with it.

I beg leave to add that I write with the knowledge and approbation of His Excellency. I believe an uncle of mine is known to your Lordship, Lloyd of Rockville, who was Sheriff for the county of Rhoscome, during the year in which the union took place. Either Lord Uxbridge or Lord Berkeley, Sir R. Vaughan, or Sir R. Williams can speak as to my family and connection.

I have etc.

(Signed) R. JONES.

[Original.]

Letter from the REVEREND R. E. JONES to the EARL OF UXBRIDGE.

SETTLEMENT OF GOOD HOPE,
CAPE TOWN, Feby. 22, 1808.

MY LORD,—Tho' I am myself scarcely personally known to your Lordship, yet I presume to address you, relying that you will accept as an apology your knowledge of my family and friends, more particularly of my uncle, Mr. Lewis of Bodgor.

Unable to exist on the small allowance of a curate, I was induced to become chaplain to the *Sampson*, man of war ; General Grey came out passenger in her to this place, he honored me with his particular notice during the passage and on our arrival, finding

no brigade chaplain, was good enough to appoint me ; before my nomination arrived in England another clergyman, Dr. Halloran, was sent out, the consequence is I am superseded, and would return, but that I am in hopes of getting into the civil establishment, as Colonial Chaplain, and I now humbly solicit your Lordship's interest on my behalf, with Lord Castlereagh, in whose gift it is, as Foreign Minister ; it is a new situation, and what our Governor, Lord Caledon, has written to the Minister to say he sees to be requisite. In early life I received many little kindnesses from your Lordship and the remembrance of them enboldens me to write, and I trust and hope, whether you think proper to notice this or not, that you will not deem it impertinent. I am contented to remain abroad, from the conviction that I cannot live at home from pecuniary considerations, and add to this the climate agrees with my constitution, I still hope however to live to see my native land again. This colony is in a state of rapid improvement, its Governors are much liked and consult its welfare. The army is just returned into quarters from the summer's encampment, the troops are extremely healthy. Our port fills with Danes, no Russians are as yet sent in. The intercourse of the English and Dutch increases daily, their inter-marriages become frequent. I hope this place will never be given up, in the hands of an enemy it will prove most destructive to our Indian trade. I hope Old England will stand her ground tho' at war with all the world ! Here there is no despondency, and we hope it is the same at home.

With the greatest respect etc.

(Signed) R. E. JONES.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 29th Feby., 1808.

MY LORD,—Having transmitted an extract of your letter of the 30th May last relative to the form of criminal proceedings at the Cape of Good Hope for the consideration of His Majesty's Law Officers, and the same having been taken into that consideration which the importance of the subject required, I herewith inclose to your Lordship their opinion thereon, and I am commanded to

signify to you His Majesty's pleasure that in conformity thereto you issue a proclamation vesting the appellate jurisdiction in all criminal cases now appealable in yourself as Governor and such assessor or assessors as you may from time to time appoint, making your sentence final and continuing to yourself the right of pardon and of respite as it now exists, and that you do accordingly appoint two persons properly qualified to execute the duties of assessors in the settlement under your government, and I suggest that one of the assessors should be taken from the judges of the colony and that the Judge of the Vice Admiralty Court should be the other. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from E. COOKE, ESQRE. to the EARL OF CALEDON.

DOWNING STREET, 1st March, 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that permission has been given to the bearer John Philip Sträng, a native of Germany, to proceed to the Cape of Good Hope for the purpose of joining his uncle who is established in that colony. I have etc.

(Signed) E. COOKE.

[Original.]

Letter from SIR JAMES COCKBURN to VISCOUNT CASTLEREAGH.

HARROW, 1st March, 1808.

MY LORD,—I am honored with your Lordship's letter of the 27th Ult^o, and beg to express to your Lordship the sincere gratification which I experience in learning that, notwithstanding the unprecedented disadvantages which I laboured under and which cannot have escaped your Lordship's penetration, the result of the minute investigation which has lately been made into my conduct as D^y Barr^{ck} Mast^r Gen^l at the Cape of Good Hope, has cleared my character from those imputations which had been so falsely and secretly brought against me, and assured to

me a continuance of the confidence of His Majesty's Ministers, an honor which I am equally proud to feel no action of my past life renders me unworthy of, and to believe my future conduct will never discredit. I lament however most unfeignedly that upon another occasion I have been so unfortunate as to incur your Lordship's censure; but as from the passage in your Lordship's letter, stating that "there is another charge in the report of the commissioners at the Cape of Good Hope the truth of which it appears from the evidence stated in the report I have always admitted, viz.: the drawing an improper benefit from the influence I was enabled to exert with the Governor in obtaining licences to introduce slaves into the Colony," I am induced to believe that your Lordship is under some misconception on the subject; I beg leave to declare that so far from admitting the correctness of the accusation I do most positively deny having in any instance whatsoever exerted the little influence I did possess with the Governor of the Cape of Good Hope for my own benefit. Sir George Yonge, I gratefully acknowledge, testified an anxious solicitude to promote my interest, but I do not remember to have ever preferred to him a single application in any way advantageous to myself; and even my appointment to the office of D^y Barr^{ck} Master General was conferred upon me unsolicited, and I have always understood originated in the suggestions of Gen^l Frazer, then command^g the Forces at Cape Town.

The procuring licences for the importation of slaves was so completely a branch of the civil department of the Government, and so entirely distinct from my line, that it was impossible I could have interfered, even had I been so inclined; and I am not aware of ever having spoken to the Governor upon the subject. The fact of my having been one of those who participated with Mr. Hogan in the profits of an importation of slaves I undoubtedly have always avowed, and never wished or attempted to conceal; but as I have before taken the liberty of stating no communication took place between the Gov^r and myself upon the occasion, and I do most solemnly assure your Lordship that Mr. Hogan himself proposed to me to take a share in the adventure without an idea of the kind ever having presented itself to my mind. He certainly represented it to me as promising very considerable advantage, and stated that it had been always usual to offer shares in such voyages to the members of the Governor's family for the time being, but

as I paid my proportion of the outfit of the vessel, and was liable for a share of any loss which might have arisen, I considered the transaction merely as a favorable commercial speculation, and indeed I flatter myself your Lordship will perceive that from the manner in which the transaction was conducted and avowed I must have been wholly unconscious of its being improper, and that therefore although my judgment may have been erroneous, my intentions have not been incorrect.

I take the liberty also to observe that this subject was not noticed before the Commissioners of Audit further than by my expressing a wish (in consequence of an allusion to the transaction appearing in part of the evidence which was submitted to my inspection) to have it investigated; but which was declined upon the ground of its not being connected with my public accounts, and I am ignorant therefore of the foundation upon which such a charge was endeavoured to be supported.

Altho' I am most reluctant to longer intrude upon your Lordship, yet in justice to Sir George Yonge I think myself called upon to state that so far from having authorized this importation of slaves as a source of emolument to any individual whatever, he had wished and intended to have put an end to the traffick altogether, and in conformity to such intentions submitted various queries and observations to the constituted authorities at the Cape; and I have always understood that the permission which was granted to Mr. Hogan was obtained in consequence of a strong report from the principal tribunals of the Colony, representing that a supply of slaves was absolutely necessary for the cultivation of the country and domestic services of the inhabitants.

I feel that I have many apologies to offer for trespassing thus far upon your Lordship's time, but appreciating most highly the value of your Lordship's good opinion; and feeling that the case as represented to your Lordship is calculated to create impressions, which the real fact as simply and correctly related might possibly not produce, injurious to a reputation, which during an uninterrupted series of near twenty years public services the breath of slander has never dared (except in the single instance of Mr. Hogan's calumnies) to reproach, I have ventured to submit the foregoing statement to your Lordship's perusal. I have etc.

(Signed) JAS. COCKBURN.

[Copy.]

*Letter from BRIGADIER GENERAL WETHERALL to the
EARL OF CALEDON.*

CAPE TOWN, 1st March, 1808.

MY LORD,—Influenced by your Lordship's benevolent disposition to promote as much as possible the interests of old officers and servants of the Crown, I take the liberty of addressing your Lordship on the subject of my present situation as Commandant of this Garrison, and to point out services which I trust will induce your Lordship to recommend to His Majesty's Ministers to place me on the same establishment with respect to the Colonial allowances as granted to my predecessor Lieutenant Colonel Baird of the 83rd Regiment.

In stating to your Lordship the unavoidable expences attending the situation of Commandant, it may not be irrelevant to remind your Lordship of the extravagant charges made by the merchants and traders of this town for every article of merchandize and consumption, and that the present strength of this Garrison consisting of six regiments, exclusive of the occasional influx of strangers, necessarily obliges me as Commandant to live at an expence much beyond the means at present afforded me, which, altho' nominally estimated at thirty shillings per day, is in consequence of the usual deductions reduced to twenty-five, which, I assure your Lordship, is not adequate to the support of myself and family, consisting of my wife, eight children, and a proportion of servants. Should your Lordship be pleased to take these circumstances into consideration, and permit me to add in support of them an uninterrupted service of thirty-three years (thirty of them on foreign service), in which I received five wounds and suffer'd many hardships and privations incident to the profession of a soldier, I am led to indulge the hope that your Lordship will have the goodness to make such a representation to His Majesty's Ministers in my favor as will induce them to sanction the former allowance of thirty shillings per day granted to my predecessor Lieut. Col. Baird as Commandant of Cape Town. With sentiments of highest respect etc.,

(Signed) F. A. WETHERALL, Brigadier General.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, *March 3rd, 1808.*

MY LORD,—I have the honor to enclose the Copy of a letter from Brigadier Gen^l Wetherall upon the subject of a Colonial allowance to the Commandant of Cape Town.

In presenting this letter to your Lordship, I am induced to do so in consideration of General Wetherall's claim, and as your Lordship's decision with respect to the continuance of that allowance has not yet been notified to me.

I am however to observe that I see no reason for the alteration of that opinion which I before gave upon this subject. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, *March 3rd, 1808.*

MY LORD,—I have the honour of receiving a letter, the copy of which is herewith enclosed, addressed to me by Mr. Harrison, and written by command of My Lords Commissioners of His Majesty's Treasury.

To an instruction so communicated there is nothing on my part but implicit obedience, yet such is the situation in which this instruction places me that I trust it will be deemed no impertinent intrusion to express my thoughts, and if it shall appear meet most earnestly to request that your Lordship will move my Lords Commissioners to reconsideration of the case.

Previous to my departure from England I was informed by Mr. Secretary Windham that I possessed the same powers which were granted to former Governors, and consequently it was presumed on my part that I was to use the same authority—what that authority was as relating to the control of the Commissariat I learned not from verbal communication but from official documents in the records of the Colonial Secretary's Office,—and with such

proof before me, and nothing to show that the system had undergone alteration, had I deviated from established usage in transacting Colonial business I should have considered myself liable at least to reprehension.

It appears upon all occasions where money was required for military service that the mode of obtaining it was by a memorial from the head of the department addressed to the Governor, but previously approved by the General Officer in Command of the Forces, an estimate of the expence was likewise attached and upon the memorial and estimate being submitted a warrant was granted.

That the right of signing such warrants has invariably been vested in the Governor remains undisputed, but I hope your Lordship will think I act with propriety in having since the receipt of Mr. Harrison's letter declined affixing my signature, because I should by a continuance of that practice render myself responsible for the issue of large sums without being empowered afterwards to know the manner in which they were disposed of. That the right of examining and controlling the Commissariat and every other military account was until my arrival equally clear, and I believe your Lordship will perceive by reference to the correspondence that Mr. Secretary Dundas directed my Lord Macartney's attention to the superintendence of military expence and particularly to the issue of bat and forage.

In corroboration of what I have advanced on these points I beg to offer the following documents (No. 1) the form observed by the parties requiring money, (No. 2) Letters from the Commissary General to the Governor, and amongst these letters I entreat attention to the inclosure A ; (No. 3) letters from military officers in command, by which references it is apparent that the investigation of all public accounts was submitted for the approval of the Governor previous to the transmission of such accounts to England, and that the propriety of such investigation was admitted by the General Officer in Command. I trust my Lord this explanation that I have shewn to your Lordship, and through you to my Lords Commissioners of His Majesty's Treasury, that I was neither grasping at a power to which I had no claim nor was I in my conversation with Deputy Commissary General Murray proposing any innovation as to the manner in which their Lordships had been pleased to direct that the business of their Chamber should be conducted, yet I cannot suppress my uneasiness lest an

impression of that nature should have weighed with their Lordships, than which nothing was more distant from my intention;—my object in conversation with Deputy Commissary General Murray was to re-establish the same mode of conducting the Colonial business which was invariably observed by my predecessors, and if it be permitted me on such a question to speak of myself in a private capacity I should feel great satisfaction in being thus relieved from such superintendance and consequently from the responsibility attached to it, but my sense of duty as a public servant obliges me with all deference to submit the grounds upon which I conceive the control of the Commissariat should be as formerly vested in the Civil power.

1st. Because the confirmation of the Governor subsequent to the approval of the General Officer in Command is an additional guarantee as to the propriety of the incurred expence.

2nd. Because the duties of the Commissary General are so interwoven in his intercourse with the Colonial Government that he can scarcely act without deriving his authority in Colonial matters from the Governor. As in example: The Cavalry has heretofore at one season of the year been supplied with forage which could not be procured unless through the interference of Government (vide the annexed Proclamation), the price therein is regulated by the Governor, not by the Deputy Commissary General, yet by my Lords Commissioners' order I am unable to direct which price shall be paid, nor is it in the power of the Deputy Commissary General to make a requisition obliging the farmers to bring in their produce. The supply of the Troops with meat is a measure which the Deputy Commissary General cannot effect without the concurrence of the Governor, for the market is not open and it is by the temporary grant of Government farms, and the agreement for a sufficient supply, that obliges the contracting butchers to engage.

3rd. Because I consider the distribution of Government bills should not be vested in the Deputy Commissary General, and here I admit I did not mean to confine myself to mere control, I had in contemplation to have followed the example of Rear Admiral Stirling when in command upon this station, who instead of allowing the Agent Victualler to negotiate the Government bills received the tenders himself and distributed the sums in the manner he thought most advantageous to His Majesty's Service. General Dundas likewise for the last year when acting in the Chief

Command did the same, and it is evident that he did so in his capacity of Lieu^t Governor not as Commander of the forces, for the measure was not resorted to until after the departure of Sir G. Yonge.

I have in a former dispatch addressed myself to your Lordship upon the subject of Government bills and stated the practice that was observed by the English and Batavian Government; it is a well known fact at present that the sale of Government bills after being issued by the Commissary General becomes an article of traffic for exportation, now what I propose in this instance is that the sealed tenders should be opened in presence of the Governor and Commander of the Forces and the distribution made by their discretion, not that I infer that such a step would altogether prevent the jobbing, but it would obtain the desirable end of enabling the Colonial Government occasionally to assist the industrious merchant who proposes to import articles of utility for Colonial consumption. The Deputy Commissary General is perhaps instructed to accept the highest tenders, but frequently there must be many tenders of the same bearing and then the distribution becomes a matter of favor, which rests with an inferior officer, but which I cannot avoid thinking would be better placed in the hands of the higher departments. Moreover it would prevent a possible case that a Commissary General should through his agents buy up the bills and afterwards sell them to the merchant at an increased value.

I need scarcely observe that from the scantiness of the export trade the merchants must occasionally procure Government bills upon any terms, and when I express more than common anxiety upon this point, your Lordship will recollect that I am the person through whose representation the mercantile and colonial interest looks up for assistance and protection, and I conceive the present a question in which both the one and the other is deeply involved.

I shall next proceed to submit my reasons for supposing that the control of the Commissariat would be preferable in the hands of the Governor than under the sole management of the Commander of the Forces.

1st. Because there would be this reciprocal check upon each party that the Governor's confirmation would be necessary previous to the expence being incurred, and the Commander of the Forces

approval necessary previous to the submission of the estimate and warrant.

2nd. Because the Commander of the Forces has not the same means as the Governor for knowing what prices should be charged either upon articles the produce of this or other countries. I allude to the purchase of European and India goods, the contract prices for buildings or repairs, the purchase or hire of barracks or hospitals, for admitting what I am sure is the case, that Lieut. General Grey now commanding the Forces is as anxious to pursue a system of economy as what I can be, yet as the Governor receives a return from the Custom-house of all entries, a weekly state of the produce brought into Cape Town, an Opgaaf or annual district return of the grain and cattle possessed by each farmer, and has an inspector of civil buildings attached to the Governt. whose opinion might be obtained upon estimates connected with his department, it is not unreasonable to infer that under such circumstances he is better able to decide upon an estimate than an officer who has not the same sources of information for directing his decision.

3rd. Because in the event of disputes arising between the Deputy Commissary General and a contractor, it would be infinitely more satisfactory to the feelings of the contractor that the same should be adjusted by the civil power than referred to the decision of the military; prejudice must be sometimes considered, and if upon an alleged breach of contract by a Commissary a farmer is referred by the civil to the military power and the cause given against him, your Lordship will be aware of the impression that would ensue, more especially as the Courts of Law, according to their present constitution, could hear no proceedings against an officer officiating in his Majesty's Service.

I am not aware of any other point connected with this subject untouched upon, and am only to request that if my Lords Commissioners should see no cause for alteration in their order of the 2nd Decr. 1807 that your Lordship will be pleased to explain the mode in which you will have your directions communicated to the Depy. Commissary General, whether as relating to the issue of bills to the East India Company's agent or other commands connected with the administration of the civil affairs of this Colony.

I have etc.
(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, March 3rd, 1808.

MY LORD,—I have had the honor of receiving your several dispatches by His Majesty's Ships *Crocodile* and *Procris*.

The 60th Regt. is prepared to embark, and the 4 transports, allotted to receive it, will be in readiness about the 15th instant, when it is proposed by Commodore Rowley that they shall sail under convoy of His Majesty's Sloop *Hermes*.

My dispatch No. 25 will have apprized your Lordship that the 47th Regt. had proceeded to India on the 23rd October last, and that the 89th Regt. would remain here until orders were received respecting it. As it appears to have been your Lordship's intention that the 89th Regt. should likewise have proceeded, although no orders were communicated to that effect, General Grey has directed that the Regiment shall hold itself in readiness, and upon the arrival of the East India Fleet no time will be lost after the embarkation in hastening its departure. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, March 3rd, 1808.

MY LORD,—In pursuance of the powers vested in me by the 13th Article of my instructions, I have suspended Mr. MacLean, Collector of the Customs, from the duties of his office, until I am made acquainted with His Majesty's pleasure respecting him.

Fully impressed with the responsibility which is attached to such a measure, yet duly considering the indispensable necessity of seeing that the interests of Government are neither endangered or injured by being committed to the keeping of those who shall afterwards prove unworthy of confidence, I trust that I shall make it manifest to your Lordship that the power which should only be

used in cases of material consequence, has not in this instance been resorted to upon trivial grounds.

I am to state for your Lordship's information that N. Raynsford Esqr., Comptroller of the Customs, waited upon me on the 10th day of February and acquainted me that 4 bags of sugar had been landed from the Honble East India ship *Dover Castle*, contrary to the law, and without any specific permission from me, that the Collector had signed the permit, but directed that no entry should be made in the Custom House books of the transaction; in consequence of which I directed the Acting Colonial Secretary, Major Bird, to address a letter to Mr. MacLean acquainting him with the foregoing communication, and directing that he should explain whether the fact was as stated that the sugar was landed, if so upon what authority he acted, and lastly why the permit, if signed, was not entered in the Custom House books?

Major Bird accordingly wrote to Mr. MacLean, and in reply received for my information the explanation which is subjoined.

Upon this explanation I must offer the following remarks, viz., that it was a most extraordinary conclusion for the Collector of the Customs to make, that sugar might be landed on account of an individual, because a larger quantity was landed for the use of His Majesty's Navy, on account of the Honble. East India Company.

That it appears to have been at least an irregular proceeding on the part of Mr. MacLean to have demanded of Capt. Richardson 4 bags of sugar for private use, and to have granted the permit for their being landed as part of the quantity "He, Capt. Richardson, proposed applying for leave to land." And it was more than irregular, after the permission had been refused, that the orders of Government were disobeyed, by the very person who was directed to enforce them.

Upon Capt. Richardson's request being refused, the course of conduct to have been pursued was obvious, the Collector should have either revoked the permit and reshipped the sugar, which appears to have been still in his possession, or he should have applied for my special permission to retain it. With respect to the entry it is to be observed that the sugar, for which he paid 52 Rupees was entered as a *present*, and as to the duty of one Rix-dollar and five skillings being of too trifling a value to enter, I am to remark that the Comptroller's note (d) satisfactorily proves that there are many entries of even one Rixdollar.

With respect to the discretionary power which Mr. MacLean supposes himself to have been possessed of, I am to observe that he came to this Colony subsequent to my arrival, and that I never directly or indirectly empowered him or any other officer in the Service of Government to use any other authority than that which he derived from his instructions, and that the affidavit of his predecessor Mr. Muller upon this point refutes what is advanced in Mr. MacLean's letter, both as to the extent and use to which he conceived Sir David Baird's permission applicable.

The foregoing reflexion having occurred to my mind upon reading Mr. MacLean's letter, I considered a farther investigation of the case necessary, and was about to undertake it when Mr. Raynsford again waited upon me and communicated that a certain unappropriated sum of money was lying in the Collector's hands, that the same had not been accounted for but on the contrary had, through the medium of Mr. Dawson, been offered to Mr. Ord, in lieu of the balance of an unsettled private account.

Acting as I had done upon the former occasion, I directed Mr. Bird to enquire into the circumstance, and his answer lays open the following facts, afterwards corroborated and amplified upon Oath.

That Mr. Ord, Chief Clerk, Mr. Dawson, Cashier, and Austin, tide-waiter, did severally pay to Mr. Robins, the avowed agent of Mr. MacLean, a certain sum of money for the enjoyment of a place in the Custom House department of the Cape of Good Hope under the said Mr. MacLean, that they actually paid, or engaged to pay, in the following proportions, Mr. Ord 600 guineas, Mr. Dawson £600, and Mr. Austin £350; that after each person had so paid his money or secured the amount by mortgage he received his appointment certified and signed by Mr. MacLean, that shortly after their arrival here the parties Mr. Ord and Mr. Dawson found that their respective situations did not produce an income adequate to what had been promised, and in consequence a bond was entered into before a Notary public by Messrs. Ord and Dawson on the one part, and Mr. MacLean on the other, to abide by an arbitration, which was afterwards made, and by which it was decided that Mr. MacLean should give the parties an encrease of salary out of his private funds. This for the first quarter appears to have been complied with, but it likewise appears, upon the second payment becoming due, that Mr. MacLean made a proposition to

Mr. Ord, through Mr. Dawson, to appropriate a certain sum of money arising from boat bills to their own use, the same to be considered in lieu of the extra salary which by the award he was bound to pay.

These facts are stated upon oath, and upon the oaths of those who must evidently suffer in their incomes by what they have sworn, and in referring your Lordship to the affidavits, I shall beg to offer a few remarks upon them, according to the order in which His Majesty's Fiscal has placed them.

Deposition (g) of Mr. Muller, (formerly Collector of the Customs) deposes that when permits were applied for to land presents or things of inconsiderable value that he always communicated these applications to Sir David Baird, that Sir David Baird verbally authorized Mr. Muller to permit trifles to be landed, when their value did not exceed £5 or £6; but directed likewise that Mr. Muller should make him immediately acquainted with the circumstance; this power, if it can be called discretionary, does not bear out Mr. MacLean in that authority which in his letter he states himself to have exercised, nor can it be applied as a precedent.

Deposition of Mr. Ord (h) First Clerk.

Mr. Ord deposes that he paid into the hands of Mr. Robins, the avowed Agent of Mr. MacLean, the sum of 600 guineas, as a consideration for his appointment and that, upon his arrival at the Cape, being disappointed in his expectations, he remonstrated with the Collector, and, in consequence of this dispute, an arbitration was made by Major Gray; that Mr. MacLean afterwards proposed to the deponent and Mr. Dawson to take the fees of the boat bills and entrances and exonerate him from the additional salary awarded by the arbitration.

Deposition of Mr. Dawson (i).

The deposition of Mr. Dawson shows that he pursued the same method of obtaining his situation as that which was resorted to by Mr. Ord, that he found himself in like manner disappointed and had, in conjunction with Mr. Ord, recourse to arbitration; that the Collector authorized him to lay before Mr. Ord a proposition that deponent and Mr. Ord should share the fees on boat bills and entrances in lieu of what was awarded by arbitration; that the amount of these fees on the 31st of December 1807 were on entrances 144 Rix d^{rs}, and on boat bills 242 R. d^{rs} and 4 Skg^s,

which was received since the middle of the month of August. The first part of this deposition corroborates the foregoing one of Mr. Ord, the latter, in respect to the retention of the entrance money and fees, is a direct violation of the order contained in the letter of the 1st of August 1807.

The next documents are the arbitration and award of the arbitrator Major Gray.

I shall offer nothing as to these papers farther than I conceive them conclusive as to the point of Mr. MacLean's admission of a claim and the presumptive evidence of the manner in which that claim originated.

Deposition of Major Gray, Ordnance Storekeeper.

Major Gray proves that he made the award, and, after having deposed to other facts, assigns as the reason on the part of the Collector for entering into the measure of arbitration that "to adjust all differences he would from compassion, knowing that their salary was not adequate to their maintenance in this expensive Colony, agree to anything in a moderate way which the deponent might award." The deponent being questioned what impression he had on his mind at giving the award, declared, that he was solely induced thereto from the situation being so different from what they (Mess^{rs} Ord and Dawson) expected, and knowing that it was impossible they could maintain themselves in the Colony from a Salary of 40 Rd^{rs} per month.

I must here express my surprize at the impression which was produced upon the mind of Major Gray, for, surely, when compassion is the motive of the action, the person who compassionates must have but a fickle idea of his humane nature to bind himself down by a penalty of £1000 to pay what another person shall consider an adequate salary to clerks in the service of Government and paid by Government for performing the duties of their office.

Deposition of Mr. Venable.

Mr. Venable deposes as to the execution of the bond which he signed as a witness.

Deposition of Mr. Dent.

Deposition of Mr. Dent contains no accusation against Mr. MacLean.

Deposition of Wm. Austin.

Mr. Austin corroborates the testimony of Mess^{rs} Ord and Dawson as to the agency of Mr. Robins on the part of Mr. MacLean.

Deposition of Donald MacDonald.

This deponent does not adduce anything expressly within his own knowledge.

The last document which I offer is the statement of monies belonging to His Majesty's Revenue in possession of the Collector, the two last items of which completely substantiate that Mr. MacLean detained public money in his hands after an express Order to the contrary.

I have thus called your Lordship's attention to the affidavits and documents placed before you, and the conclusion to be drawn from them is that Charles MacLean Esqr^r, Collector of the Customs, is charged upon oath with having, contrary to the law, permitted the importation of sugar not the property of the Honble. East India Company.

Having corruptly sold appointments under him in the Custom House department.

Having, until the present time, contrary to a positive instruction of the 1st August 1807, kept possession of fees, which according to the order contained therein should have been lodged in the public Treasury, and this with the avowed intention of appropriating the said fees to purposes foreign to His Majesty's Service.

After mature deliberation upon the evidence produced upon these points, and with the impression that the first charge has been in part, tho' not altogether, substantiated ; that the second and third are well grounded ; I have considered it my duty to suspend Mr. MacLean from the Collection of His Majesty's Revenues, and it rests with your Lordship to determine how far, in doing so, I have fulfilled the duties of my situation.

F. Dashwood Esqr., Receiver General, is appointed *pro tempore* to act as Collector of the Customs, and F. W. Fagel Esqr. to act as Receiver General. Mr. Dashwood is a gentleman in whose integrity I place great reliance, and the subjoined instructions have been given to him for the guidance of his conduct. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CAPE OF GOOD HOPE, GOVERNMENT HOUSE, 3rd March 1808.

MY LORD,—As Mr. Maclean may probably represent his case as one of considerable hardship and lay stress upon my refusal to confront him with his accusers or to grant him copies of the official documents for which he has applied, I think it necessary to enter into some degree of justification upon these points.

When Mr. Maclean was in the first instance charged with having permitted the landing of sugar contrary to law, I used the delicacy of requiring from him privately an explanation upon that subject; so little satisfactory was his explanation that I should upon this charge alone have probably thought it incumbent upon me to suspend him, but when other charges were alleged upon oath there was no room for hesitation, and however harsh at first sight it might appear that I should decide without entering more fully into the case by calling upon the accused for farther explanation, yet I thought it better upon every account to leave the matter in *toto untried* than commence an investigation which could only be partial and might embarrass His Majesty's Ministers or me in any future proceeding to be instituted by their direction; indeed I was the more inclined to adopt this line of conduct as I could devise no possible means by which Mr. Maclean might so effectually refute the charges as to render it unnecessary for me to submit the matter home, and during the interval of doing so and of receiving His Majesty's commands I should have thought it unfit to continue him in employment.

Mr. Maclean requested copies of the depositions, but I deemed it more prudent to refer him to your Lordship than give in this stage of the business information which he might afterwards use in conjunction with his agent Robins to defeat the ends of justice; for His Majesty's Ministers may judge that there was ample cause for suspension, although it may be the opinion of His Majesty's law officers unless Mr. Robins should give evidence that there is not sufficient information for a criminal prosecution.

I beg also to add that after suspension I had recourse to the present as the most lenient mode of procedure, for had I directed

His Majesty's Fiscal to prosecute he would if found guilty have not only been liable to fine and imprisonment but have been proclaimed infamous upon the scaffold, a disgrace that in a foreign country I should have been sorry to have seen one of His Majesty's British subjects reduced to. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to EDWARD COOKE, ESQRE.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, March 1808.

MY DEAR SIR,—Your letter of the 13th of November is now before me, and considering it entirely as a private communication I am to return my best thanks for your kind attention.

I am really distressed at Lord Castlereagh's indisposition, and he has my best wishes for a re-establishment of health, but lest he should still continue unable to attend to business I am unwilling to address myself directly to his Lordship, and shall therefore with your permission convey my thoughts in the present mode.

In regard to the establishment of a Court of Appeals in criminal cases, if the measure of making a new system of trial as in Ceylon be adopted, I hope that provision will likewise be made to empower that court to try soldiers for all offences that are not of a nature purely military. At present the only mode of trial is by court martial, a mode by no means congenial to the spirit of our constitution, and when it can be accomplished it is no doubt desirable that the civil power should take cognizance of all offences of a civil nature. General Grey and I have heard many causes in appeal and reversed some decrees, but I have not learnt that any of the parties propose presenting their further appeal to England, which is of course satisfactory to us.

You will perceive by the dispatch that accompanies this the point of view in which I conceived my interference in *all* expences justifiable, and although I can scarcely expect that any argument I can adduce will cause alteration in the peremptory order of the Lords of the Treasury, yet I confess myself to feel sore upon the

receipt of such an order without explanation being required upon my part.

I have the highest respect for General Grey, and believe Mr. Murray to be most upright in all his dealings, but the individuals are not to be considered, it is the situation in which they are placed, and however much I should regret it if the wish to assume improper military commands was laid to my charge, still I cannot yet repent the part that I have taken in trying to enforce what I considered right.

You mention that Colonel Gordon had received a letter from Genl. Grey upon this subject; that letter has been answered by the Duke of York, and shown to me in confidence by General Grey, and I was most sorry to observe was written in a style which leads me to fear that His Royal Highness was not impressed with a favorable opinion of my interference. I am now about to ask a favor, tho' perhaps you will not think me justified in making such a request. It is that you will give Colonel Gordon that explanation on my part (which I trust my dispatch will enable you to do) that will prove how distant the aggrandizement of military power was from my intention, and I shall trust to his representation for satisfying His Royal Highness's mind upon this occasion. I must naturally feel anxious as to the result of this question, and if you should wish to have information upon it from a person who has local knowledge I beg to mention the name of Mr. Barrow as a gentleman who filled the office of Auditor General. Mr. Barrow is now in the Admiralty office, and I allude to him the more readily from the circumstance of being totally unacquainted with him. The right of the sword has in many instances been disputed, but this is the first time the right of the purse has been called in question, and perhaps I may feel the privation more forcibly as I had in contemplation to make some alteration as to the supply of meat, and to propose some measures connected with the commissariat, but for the present I consider the matter not within my province.

In my dispatch No. I have stated the suspension of Mr., formerly Colonel, Maclean, a title he dropped suddenly in consequence of the opinion and sentence of a Court Martial. I can not doubt that the causes have been very sufficient for his suspension, whatever they may be for any farther proceedings to be instituted against him. This case appears to come under the

5th and 6th Ed^{ad}. C¹. but this is for lawyers to judge of. Had I enter'd more minutely into the investigation of the case by calling upon Mr. Maclean for explanations upon points in themselves so clear it would have been trying a cause which I could not determine, and be involving myself in the discussion of a question which I had established to the extent I thought necessary.

I must correct that part of my letter in which I mentioned that all the decisions in appeal had been acquiesced in, there is one case I find which will be refer'd home.

If any modification should take place in the import duty of Madeira wine favorable to the exporter, may I beg to remind you that the Cape is under similar circumstances, and prior to the capture of Madeira was the only British possession in which wine was manufactured.

If my services can be at all useful in procuring you any articles the produce of this country pray command me, and again accept my acknowledgement for the favor of your letter. I have etc.

(Signed) CALEDON.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 4th March, 1808.

MY LORD,—Your Lordship's dispatches of the 15th of December last have been received and laid before the King.

I am to express my approbation of your judicious refusal to permit a cargo of slaves to be landed at the Cape, notwithstanding the importunity of many respectable merchants recommending the measure. The Parliament of the United Kingdom having deemed it advisable to abolish the slave trade and to forbid the importation of slaves into His Majesty's colonies or settlements, and that all negroes brought in as prize, or seized for being illegally imported, should be forfeited to His Majesty, no discretion can be permitted in interpreting the law. And under this circumstance I fear all idea of enlisting a corps of Caffres or of disbanding the Hottentot corps must be given up. A set of instructions for your Lordship's conduct as to negroes which may become prize or forfeited will be soon forwarded to your Lordship.

Your letter respecting Mr. Hartley and the several legal questions which have arisen on his conduct and claims have been referred by me to His Majesty's law servants, and when their report shall be received I shall take the earliest opportunity of transmitting it. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from E. COOKE, ESQRE, to the EARL OF CALEDON.

DOWNING STREET, 4th March, 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that permission has been given to the Bearer Jacob Zeigler, by trade a baker, to proceed to the Cape of Good Hope.

I have, &c.

(Signed) E. COOKE.

[Office Copy.]

Letter from E. COOKE, ESQRE, to the EARL OF CALEDON.

DOWNING STREET, 4th March, 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that permission has been given to the bearer, Ludovich Carl Bauman, by trade a butcher, to proceed to the Cape of Good Hope. I have etc.

(Signed) E. COOKE.

[Original.]

Letter from CAPTAIN ROWLEY to the HONOURABLE WILLIAM WELLESLEY POLE.

HIS MAJESTY'S SHIP *Nereide*,
TABLE BAY, 6th March, 1808.

SIR,—I beg leave to acquaint you for the information of their Lordships that His Majesty's Ship *Crocodile* having under her convoy His Majesty's store ship *Abundance*, the *Sally* transport with

troops, and *Cambrian* with army stores, anchored here on the 20th February.

The *Nereide* arrived here from the Rio de la Plata on the 18th February, having left it on the 25th January, but does not bring any intelligence. The *Charwell* sloop sailed at the same time, but has not yet arrived. I mentioned in a former letter the *Nereide* having been on shore, but the damage upon inspection does not prove very material.

That the services of the *Raisonable* might not be lost on an occasion which requires the employment of every efficient ship, and as the duties of senior officers require my constant attendance in port, I have thought it for the good of the service to give Captain Corbet of the *Nereide* an acting order to proceed to sea in the *Raisonable*, the crew of the former—from the high degree of scurvy prevailing among them—not being in a condition for active service.

The *Sceptre* has nearly undergone as thorough refitting as our means here are adequate to, and been found in a still worse state than was apprehended. I purpose sending her hence to St. Helena about the 20th inst., of which I have apprized the Governor there, and shall direct Captain Bingham to consult with him as to the best means of applying her force for the protection of the homeward bound Company's ships.

I herewith transmit you the actual disposition of the squadron under my orders and an abstract of their state and condition.

I have etc.

(Signed) Jos. ROWLEY.

[Original.]

Letter from CAPTAIN ROWLEY to the HONOURABLE WILLIAM WELLESLEY POLE.

HIS MAJESTY'S SHIP *Nereide*,

TABLE BAY, 6th March, 1808.

SIR,—I have to acknowledge the receipt by His Majesty's Ship *Crocodile* of their Lordships' orders of the 27th October directing that I should concert measures with the Governor and Commander of the forces here for the removal of the 4th Battalion of the 60th Regt. to Barbadoes, and beg leave in return to acquaint you for

their Lordships' information that a sufficient tonnage of transports is now fitting for that purpose, to effect which it has been found necessary to take one of the transports appropriated by Rear Admiral Stirling for the service of this Colony and to unlade one of the Army Victuallers now waiting here for orders from home. As soon as they are in readiness, which I expect will be about the 15th, they will proceed under convoy of His Majesty's sloop *Hermes* to their destination. I have etc.

(Signed) Jos. ROWLEY.

[Office Copy.]

Letter from E. COOKE, ESQRE., to the EARL OF CALEDON.

DOWNING STREET, 14th March, 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that permission has been given to Mr. Henry Bavinto to proceed to the Cape of Good Hope for the purpose of carrying on mercantile affairs in partnership with Mr. Wm. Robertson who is already established in the Colony. I have etc.

(Signed) E. COOKE.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, March 16th, 1808.

MY LORD,—In consequence of an arrangement made by Sir David Baird, there exists a difficulty with respect to a country house and land, the property of Government.

At the capture of the Cape in the year 1796 there were several country seats, the property of the Dutch East India Company, which were taken possession of by the Earl of Macartney on the part of His Majesty.

The principal one Rondebosch he reserved for himself, another, called Witteboom, was at a future period occupied by the Commander of the Forces, and the remainder were distributed according to the Governor's pleasure.

Upon the recapture of the Settlement it was found that Ronde-

bosch had been sold by the late Batavian Government, but that Witteboom continued as before.

Sir David Baird judged it expedient to transfer Witteboom in exchange for a house and farm called Newlands, the property of Mr. Duckitt, and it is from this circumstance that the difficulty has arisen.

As to the nature of the transfer, I am to observe that I do not conceive it to be in the power of a Governor, until the Colony shall have been regularly ceded, to alienate either by sale or exchange Government property, to the prejudice of the state from whom it has been taken and to whom at the conclusion of a peace it may be again restored, that even were this principle not admitted it certainly was not in the power of the Governor to dispose in perpetuity of part of that property which was security for the paper money, the validity of which was guaranteed at the capitulation.

The occupation of Witteboom by a General Officer was always by the permission of the Governor, and so jealous was My Lord Macartney of his civil power upon this occasion, that he only suffered Major General Dundas in the first instance to use the stables although the house had no other Inhabitant than an Overseer.

By the grant which is annexed your Lordship will perceive that Newlands, according to the construction of Sir David Baird, is "henceforward to be considered as the Military Head Quarters in this Settlement," but I do not imagine that Sir David Baird was authorized to declare what should be the future Head Quarters of the Commander of the Forces or if a permanent Head Quarter be necessary why the Castle as formerly should not be that place, nor can I at present hold that part of the lease binding which, if acquiesced in, must of necessity exclude the Governor from the house and land and be the means of converting Civil into military property.

Sir David Baird must himself have found the difficulty of holding Newlands by such a tenure, for he directed the place to be fitted up under the superintendence of the Barrack Department and afterwards defrayed the expences by a Warrant upon the Colonial Treasury.

Upon my arrival here I found that General Grey proposed making it his summer residence; I was therefore unwilling to

urge my claim to possession for the first year, more especially as he politely requested my permission to remain, but it was understood by him at the same time that I should refer the matter home for decision, not that there existed between us any difference of opinion as to the right of occupancy, but the wording of the grant required explanation.

It now remains for your Lordship to determine whether Newlands, like every other Government place, is to be at the disposal of the Civil power or, according to the intention of Sir David Baird, is to be considered as a Military possession. If the former, I beg your Lordship's permission either to purchase or hire annually a suitable country residence for the Lieutenant Governor, if the latter that the expences hitherto and in future attending it may be charged to the extraordinaries of the Army. I have &c.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, March 16th, 1808.

MY LORD,—In obedience to your Lordship's commands I made immediate inquiry into the circumstances set forth in the Memorial of Frederick Ludwig Stower, and have now the honor to report, for the information of His Majesty's Ministers, that the Memorialist is not a native of this colony, but arrived as a sailor on board of a Dutch East India ship, whence he got his discharge, and was afterwards employed by a master butcher for the purpose of going into the interior to bring up cattle to Cape Town; that the Memorialist never was a master butcher, or possessed any property here, but was permitted to remain on a provisional passport.

On the surrender of the Colony in the year 1806 the Memorialist Ludwig Stower was found confined in the public prison, under a charge of "stealing cattle and of obtaining horses from the farmers under the pretence of his being an officer in the Dutch service," which charge being proved upon his trial, he was on the 12th of June 1806 found guilty and sentenced by the Court of Justice to be banished for life from this Colony; the sentence was enforced, and the first ship that offered, being His Majesty's ship *Woolwich*

homeward bound, the Memorialist has been by that means enabled to address your Lordship.

What I have already stated will no doubt sufficiently evince that the prayer of the Memorialist is unworthy of any favorable consideration, nor is the British Government farther concerned; but, it is due to the character of Governor Janssens to observe that the claim of 81,221 Guilders appears totally unfounded, as the contract for supplying meat to the Dutch troops during their possession of the Colony was exclusively vested in a master butcher of the name of Veyll, with the exception of a small detachment stationed at the distant post of Algoa Bay, which, if the Memorialist ever had supplied, he was most probably paid for, as no claim of this nature was adduced upon his trial. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, March 19th, 1808.

MY LORD,—I have the honor to acquaint you that His Majesty's Sloop *Hermes*, having under convoy 4 Transports containing the 60th Regiment, sailed yesterday evening, and that the 89th Regiment is in readiness to embark as soon as the East India Fleet shall have arrived. I have &c.

(Signed) CALEDON.

[Original.]

Letter from CAPTAIN ROWLEY to THE HONOURABLE WILLIAM WELLESLEY POLE.

Nereide, TABLE BAY, 20th March, 1808.

SIR,—Having already apprized their Lordships of my motives for sending home His Majesty's ship *Sceptre*, I have now to acquaint you for their information that I have directed Captain Bingham to receive on board the Danish prisoners from the different prizes, excepting such as may assist in navigating them, and to proceed with such trade or prizes as may require protection

to St. Helena, and on his arrival there to consult with the Governor as to the best mode of affording convoy to such of the homeward bound East India Company's ships as are at the Island or may be expected there, taking care not to prolong his stay so as to lose the most favorable season for his passage home.

The *Charwell* arrived here from the River Plata on the 7th inst., the ship much in want of repairs and the crew in a reduced and sickly state from hard service.

The *Hermes* having under her convoy the four Transports *Simpson*, *Sally*, *Resource*, *Maria*, as per margin with the 4th Batn. of the 60th Regt. sailed hence on the 18th inst. for Barbadoes. I have directed Captain Siby in the event of the absence of the Commander in Chief and should those vessels not be wanted for service in the West Indies to proceed with them under his convoy for England.

I purpose moving round to Simon's Bay with the ships of the Squadron about the middle of next month, by which time I expect the *Abundance* store ship will be cleared of the stores to be delivered in this Bay and have embarked such of the condemned ones as may be necessary to send home.

I herewith transmit the disposition of the Squadron, also an abstract of their state and condition, and have the honor to be etc.

(Signed) Jos. ROWLEY.

[Office Copy.]

Letter from E. COOKE, ESQRE., to THE EARL OF CALEDON.

DOWNING STREET, 22nd March 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that permission has been given to the bearer, Mr. John Charles Berg, a native of the Cape of Good Hope, to return to that Colony. I am etc.

(Signed) E. COOKE.

[Office Copy.]

Letter from Viscount Castlereagh to the Earl of Caledon.

DOWNING STREET, 27th March 1808.

My LORD.—On the receipt of your Lordship's letter of the 16th December last, submitting the question whether the Judge of the Vice Admiralty Court in the Settlement of the Cape of Good Hope has a right to absent himself therefrom without the permission of the Governor and to appoint a Surrogate and Deputy without the Governor's previous acquiescence, I transmitted a copy thereof for the consideration of His Majesty's advocate, and I now inclose to your Lordship a copy of the answer that has been received, by which it appears to be Sir John Nicholl's opinion that except in cases of emergency where any other individual might be restrained from quitting the place, the Judge of the Vice Admiralty Court at the Cape has a right to absent himself without the Governor's permission, and that by the express terms of his patent he may appoint a Deputy or Surrogate, in which appointment the Governor's acquiescence is unnecessary. I have etc.

(Signed) CASTLEREAGH.

[Copy.]

Proclamation by THE EARL OF CALEDON.

Whereas His Majesty's Receiver General and the gentlemen whom I appointed by my letter of the 12th March last to examine conjointly with him into the quantity of worn out and defaced Paper Money in the Treasury have reported to me that there is at present in the custody of the Receiver General Nineteen Thousand Seven Hundred and Thirty Three Rixdollars and Three Skillings unfit for further circulation; and Whereas Memorials from different individuals have been laid before me, assigning satisfactory reasons for their not having exchanged different sums of the old Paper Currency amounting altogether to the sum of Two Hundred and Sixty Six Rixdollars and Five Skillings, within the period specified in the proclamation issued by the Batavian Government on the subject, dated 24th Aug. 1804, these are therefore to require and direct, that the Secretary of the Court of Justice do, on Monday the 4th instant, attend at the Castle, where, on applica-

tion to the Acting Colonial Secretary (in whose custody they are) he will receive the stamps and types, together with the quantity of paper necessary for the purpose, and that he do in the presence of the Fiscal and two members of the Court of Justice, who are hereby required to attend at the time aforesaid, at the usual place, and in the usual manner, cause the number of one thousand pieces of Ten Rixdollars each, and Two Thousand pieces of Five Rix dollars each, to be printed and stamped, which pieces when so printed and stamped are to be delivered by the Fiscal and members of the Court of Justice aforesaid to the Acting Colonial Secretary, to whom they are also at the same time to return the types and stamps ; which types and stamps being replaced in the box in which they are usually kept, the box shall be sealed with my seal and with that of the Court of Justice, so to remain until further wanted ; of all which the Fiscal and Members of the Court of Justice are to make a public act of certification in the presence of the Court, on the next Court-day, to be registered in the records of the Court.

And it is further directed that such printed and stamped pieces, being by the acting Colonial Secretary delivered to the custody of Mr. J. Ackerveld, Treasurer to the Loan Bank, it shall be his business to prepare the same by marking the number of each piece on the top of the card (continuing the number of the last issue) of each separate denomination of money, as also the day of the date of this Warrant underneath, after which the whole of the pieces shall be signed by P. J. Truter Esqre. fourth Member of the Court of Justice, G. E. Overbeek Esqre. fourth Member of the Orphan Chamber, and C. Nelson Esqre. first Member of the Lombard Bank.

And it is also further directed that such money so printed, stamped and signed, do remain in the custody of His Majesty's Receiver General until report be made of its being finished, when such further orders shall be given as may be expedient, and for the several matters herein mentioned, this shall be to all concerned a full and sufficient Warrant ; and, for the public information and satisfaction it is further directed that it be published and affixed in the manner usual with all other Proclamations.

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of April 1808.

(Signed) CALEDON.

[Office Copy.]

Letter from E. COOKE, ESQRE., to THE EARL OF CALEDON.

DOWNING STREET, 8th April 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that permission has been given to the bearer, Mr. Robt. Stuart, to proceed with his family to the Cape of Good Hope, where he was established as Merchant during the period the Settlement was formerly in His Majesty's possession and since the late surrender thereof. I have etc.

(Signed) E. COOKE.

[Office Copy.]

Letter from E. COOKE, ESQRE., to THE EARL OF CALEDON.

DOWNING STREET, 8th April 1808.

MY LORD,—Messrs. Stackhouse and Pylcroft being about to proceed to the Cape of Good Hope for the purpose of carrying on a mercantile establishment in the Colony, I have Lord Castlereagh's directions to acquaint your Lordship that they have obtained the sanction of Government for this purpose, and I beg leave to introduce them to your Lordship's notice. I have etc.

(Signed) E. COOKE.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to THE EARL OF CALEDON.

DOWNING STREET, 11th April 1808.

MY LORD,—A copy of your letter to Lt. Genl. Grey, of the 14th September last, relative to the issue of lodging money and other allowances to the officers of the Cape Corps, which has been transmitted to this office, having been referred to the Lords Comrs. of the Treasury, I herewith inclose to your Lordship a copy of the answer that has been received, and I am to desire that in conformity to the suggestion therein contained you do give the necessary directions for inserting the Military Colonial expences

at the Cape as the first charges upon the Colonial Revenue, and that if in consequence thereof the Colonial Revenue should be inadequate to discharge the Civil Expenses, your Lordship do draw Bills upon the Lords Commrs. of the Treasury for the excess thereof. I have etc.

(Signed) CASTLEREAGH.

[Original.]

Letter from SIR DAVID BAIRD to VISCOUNT CASTLEREAGH.

LONDON, 14th April 1808.

MY LORD,—I have the honor of returning to your Lordship the accompanying papers consisting of a dispatch from the Right Honble. the Earl of Caledon, dated the Castle of Good Hope, 7th June 1807, together with several documents marked Nos. 1, 2, 3, 4, 5, and 6, upon the subject of the contents of which I beg leave to submit a few explanatory remarks to your Lordship's consideration.

With respect to the money taken in the military chest, on the reduction of the Colony, it appears that sometime previous to our arrival, on the apprehension of a speedy attack from the British, it was deemed adviseable by the Batavian Government to set apart a sum of money for the express purpose of meeting any military exigencies that might occur, under the denomination of a military chest. This sum, originally amounting to upwards of 200,000 Rix dollars, part in specie and part in the paper currency of the Colony, was, by an order of the Government, regularly issued from the Colonial Treasury, in the same manner as any other disbursement, and placed at the special disposal of the General commanding the Batavian forces.

How far any part of the 150,000 Rix dollars created for the erection of a Court of Justice in 1804 (as the whole of that sum appears to have been put into general circulation at that time) might enter into the military chest, I am not aware; but as the Government had received remittances of specie from Batavia, part of which were appropriated to the purposes of the military chest and part lodged in the Orphan Chamber in temporary exchange for paper currency (of which there appears to have been a scarcity at that time) and had likewise derived considerable supplies of

money from the sale of the cargoes of several Dutch India Ships, which were landed and disposed of at the Cape, I should apprehend the paper money found in the military chest had no more relation to the sum created for the erection of a Court of Justice than any other portion of the circulating medium of the Colony, *the value of the whole of which was equally guaranteed by the 9th and 10th Articles of the Capitulation*, (a copy of which Articles is enclosed), without any reference being made or even proposed on the part of the Dutch Government to the mode or stipulations under which particular parts of it were issued.

That the Batavian Government did not consider it necessary, or hold it in contemplation, to destroy the paper money contained in the military chest is clearly evidenced by the circumstance that General Janssens, (the Governor General of the Colony), after the retreat to Hottentots Holland in treating for his surrender with Brigadier General Beresford, expressed an anxious desire to retain that portion of the military chest he had with him, avowedly for the purpose of distributing its contents among such of the farmers and other inhabitants as had shewn devotion to the Batavian cause, and indeed, previous to his submission, he had actually disbursed considerable sums from it in this manner.

When General Janssens decided upon retreating into the interior of the country, after his defeat at Blueberg, he took with him as before stated a portion of the military chest ; the remainder was left in charge of certain officers of Government in Cape Town, who, foreseeing the ultimate reduction of the Colony, agreed to divide the money among themselves, under an express stipulation, however, that it should not be applied to their private use until the British Flag was hoisted at the Castle. This *secret* and extraordinary proceeding took place on the evening before the British troops marched into Cape Town, *and after the preliminaries for its surrender had been actually signed*. Information upon the subject was speedily conveyed to some British officers by a slave belonging to Mr. Truter, Colonial Secretary to the Dutch Government, in whose house the money appears to have been lodged, and where the greater part, it was understood, still remained ; and a report of the circumstance having been made to me, directions were given that the money should be replaced in the chest, as an unauthorized act of the nature described could not be sanctioned or permitted.

By the 4th article of the Dutch Proclamation under which the 150,000 Rix dollars stamped for the building of a Court of Justice &c. were issued, it is distinctly stated that "the same are to be considered as an encrease of the paper money in circulation, and not as a currency different from the rest," and certain securities in buildings and land are then pointed out and given for this money; and altho' a promise is afterwards held out of destroying a part of it annually, yet tho' the money was issued in 1804, and the Cape was not taken until 1806, not a single Rix dollar had been destroyed. The whole of the 75,000 Rix dollars created for the rebuilding of the village of Stellenbosch had been appropriated to that purpose, and certainly half, if not all, that was intended for the other Drosties.

It is difficult to suppose that the paper money found in the Colonial Treasury could have any more particular relation to the currency created for a Court of Justice than what was in the hands of private individuals; indeed from its state and condition (as well as that taken in the military chest), it was clearly evident that the whole had been long in circulation, and as was the case with such sums as were found in the hands of the collectors of wine duties &c., a considerable portion consisted of pieces of the smallest denomination, of one and two schellings each, much defaced and worn, as they had been paid in by the keepers of wine houses, &c. I beg leave to add that on the reduction of the Cape in 1795, the whole of the paper currency found in the possession of the Dutch Government was considered as prize, and as such has been distributed among the captors.

Under these circumstances I am induced to hope it will be considered that the paper money found in the military chest and Colonial Treasury was of a perfectly similar description with the rest of the circulating medium of the Colony, the securities originally given for a very large proportion of which have been subsequently alienated and sold: if therefore it should be in contemplation, or judged necessary, to destroy all the paper thus circumstanced, nearly half the amount of the whole circulation must be bought up by Government, to effect that purpose. The public buildings, however, in its possession, and which by the capitulation were made responsible for all the paper money generally, are of infinitely greater value than is requisite to cover the whole of the currency now in existence.

In regard to the stock under the administration of the agricultural commission, on a reference to its description I should apprehend it would be considered as *tangible* and of that kind that may "be seized and carried away." It consisted of sheep, oxen, horses, waggons, &c. That it was public property is evident, all the funds with which it was obtained having been lent by the Government, and the management of it being completely under its controul. On examining the accounts of the administrators it will appear, that exclusive of the 25,000 Rds. originally furnished them, and for which sum only their stock was supposed to be held responsible, they had received in various ways the sum of 31,702 Rix dollars.

Allow me, my Lord, to express a hope that the above observations may satisfactorily explain to your Lordship the motives for my conduct on the occasions connected with the subject of this letter. I confess it did not enter into my contemplation that His Majesty's Ministers would consider themselves as responsible for the acts of the Batavian Government, or deem it adviseable to pay the amount of issues made by that Government. We therefore, at their earnest solicitations, in treating for the surrender of the Colony, guaranteed equally the whole of the paper currency in existence, which we were the sooner induced to do by its being represented to us that the circulating medium was scarcely adequate to the indispensable wants of the Colony. I have etc.

(Signed) D. BAIRD, Lieut. General.

[Original.]

*Letter from REAR ADMIRAL A. BERTIE to the HONOURABLE
WILLIAM WELLESLEY POLE.*

LONDON, 18th April 1808.

SIR,—Having received my appointment of Commander in Chief at the Cape of Good Hope, I am to request their Lordships' instructions as to the mode in which I am to be furnished with the necessary articles of stationery for the public service. I have &c.

(Signed) A. BERTIE.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 23rd April 1808.

MY LORD.—The King having been pleased to appoint Henry Alexander Esqre. to be Secretary of the Cape of Good Hope in consequence of the decease of Mr. Barnard, Mr. Alexander has resigned the office of auditor of accounts, and I have to desire that you will give directions for appointing Walter Bentinck Esqre. to hold and exercise the said office of auditor of accounts on the same terms in every respect on which it was held and exercised by Mr. Barrow when the Cape of Good Hope was before in His Majesty's possession. Mr. Bentinck will avail himself of the earliest opportunity to proceed to the Cape to take upon him the duties of his office. I have etc.

(Signed) CASTLEREAGH.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas the paper money printed, stamped, and signed, according to the Proclamation of the 1st instant, to the amount of Rixds. 20,000, has been placed in the custody of F. W. Fagel Esqre His Majesty's Receiver General, in order to be exchanged for an equal sum of worn out and defaced money (and also of such old paper currency as is specified in the aforesaid Proclamation), which is also in the hands of said Receiver General. These are therefore to require and direct that Brigadier General F. A. Wetherall, Commandant of Cape Town, W. S. Van Ryneveld Esqre His Majesty's Fiscal, R. Hill Esqre Acting Deputy Commissary General, together with two members of the Court of Justice and two members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the Office of Revenue in the Castle, on Tuesday morning the 3rd of the ensuing month of May, at 10 o'clock, and that they do then and there receive from F. W. Fagel Esqre the above mentioned sum of 20,000 Rixds. and after examining the same, that they do in their presence in the court yard of the Castle aforesaid cause the same to be publicly burnt and destroyed; and in case the examination of the several pieces of money which constitute the

above sum of 20,000 Rixds. cannot be concluded in one day, they are then and in that case to adjourn and proceed therein as shall appear best to them, but so as to finish and conclude in the shortest time possible; and it is further directed, that the several persons above mentioned do sign two certificates of their proceedings herein, in the English and Dutch languages, to be drawn up and prepared by Mr. J. Ackerveld, Treasurer to the Lombard Bank (assisted by the sworn interpreter to the Government), under the direction of the Fiscal, one of which certificates is to be delivered to F. W. Fagel Esqre as his discharge of the sum of 20,000 Rds. with which he now stands charged to His Majesty, and the other is to be lodged in the records of the Court of Justice by the Fiscal and the members thereunto belonging, at the next meeting after the signing as above directed.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within fourteen days after the lodging of such certificate above mentioned, that they do pass a public act under their Hand and Seal of the Court, certifying and declaring all their proceedings which have been held and have taken place with regard to the stamping and signing of the several pieces of money as expressed in the Proclamation of the 1st instant, as also of the exchanging and destroying of worn out and defaced paper money equivalent thereto, annexing to or including in such their Act authentic copies of the several certificates lodged, as directed in their records, which public Act is to be presented to me, to be disposed of in such manner as I may think expedient for the satisfaction of His Majesty in the premises.

For all which this shall be to all concerned a full and sufficient Warrant and Authority.

Given under my Hand and Seal, at the Cape of Good Hope, this 28th day of April 1808.

(Signed) CALEDON.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas it has been represented to me, and there are strong grounds for believing, that a considerable number of slaves has been clandestinely landed and disposed of in this settlement, in

defiance of the laws; In order, therefore, as far as may be to discover the extent of the aforesaid illicit traffic, and to check any further attempts of the same nature, I hereby appoint W. S. van Ryneveld Esqre. His Majesty's Fiscal, F. Dashwood Esqre. Collector of His Majesty's Customs, and C. Matthiessen Esqre. member of the Court of Justice, a committee to enquire into every circumstance connected with the above mentioned transaction; and it is my desire that these gentlemen may be pleased to meet at the Town Hall every Monday and Wednesday, from the 2nd May next to the 13th June, both days inclusive, from 9 till 11 o'clock in the forenoon, for the purpose of taking information upon the subject alluded to; hereby enjoining every inhabitant or resident in this Colony duly to appear before the aforesaid committee, upon being required thereto, in order to answer such queries touching the matter in question as may be put to him. And every person having in his possession any slave or slaves recently imported, or having had in his possession within the last six months any slave or slaves recently imported, is hereby required to appear before the above mentioned committee, there to declare at what time, and how, he became possessed of such slave or slaves; and if, after the expiration of the said term, it shall be discovered that any person has been possessed of a slave or slaves as before described within the time above mentioned, and has not (as hereby enjoined) given due notice thereof, he will incur a penalty of Five Hundred Rix dollars for each slave so concealed; and the better to enforce a full compliance with this order, I hereby offer a reward of One Thousand Rix dollars to any person who shall give such information to His Majesty's Fiscal as shall lead to the conviction of anyone who shall conceal a slave contrary to the intention of this Proclamation, and to any slave giving such information, I hereby offer his freedom, independent of the reward above mentioned.

Given under my Hand and Seal, at the Cape of Good Hope, this 29th day of April 1808.

(Signed) CALEDON.

[Copy.]

*Extract of a Letter from the Navy Board to
REAR ADMIRAL BERTIE.*

NAVY OFFICE, 29th April 1808.

SIR,—By several letters we received from Rear Admiral Stirling while he commanded His Majesty's Ships and Vessels at the Cape of Good Hope, we were informed that plank for the repairs of ships and timber, particularly for masts, were very much required, and, in consequence of the demands sent home from that station we took the necessary measures to supply the wants of the squadron with those kinds of stores, since which the Rear Admiral has transmitted to this office specimens of forty different kinds of woods which grow in and about Plettenberg Bay, as mentioned in the accompanying list, and upon reference to some documents in this office which were sent home by the Commander in Chief at the Cape of Good Hope during the last war, it appears that woods of different sorts may be had from Plettenberg Bay of qualities fit for stern posts, keel pieces, main pieces, knees, transoms, floors, plank, masts, yards and topmasts.

Under these circumstances we are desirous of ascertaining how far the resources of that country may do away the necessity of sending supplies from hence, and particularly whether woods fit for masts and yards may not be obtained there, and the inconvenience and expence of sending out spars thereby avoided.

We therefore request that upon your arrival at the Cape you will make enquiry into, and particularly consider and give us your opinion upon this subject. For your fuller information I transmit to you a copy of a report containing remarks made by Mr. Narracott the master shipwright in the months of July, August, and September 1798, on the timber in the forests situated as before mentioned, many of which appear to be the same with those described by Rear Admiral Stirling.

True Copy.

(Signed) A. BERTIE.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 5th May 1808.

MY LORD,—I have received and laid before the King your Lordship's letter No. 29 dated 9th January last upon the subject of your discussions with Lieutenant General Grey respecting the appointment of a superintendent to Simon's Town and the powers which you conceive to derive from your commission over the military authority within the precincts of your Governorship.

Upon the first point I have received similar communications transmitted by Lieutenant General Grey to His Royal Highness the Commander in Chief, and I now inclose to your Lordship the copy of a letter which I have written by His Majesty's command to His Royal Highness, which I trust will be satisfactory to your Lordship and will form a rule for conduct in all similar points.

With regard to the general powers of your Lordship's commission and the limitations which by practice and regulation have been applied to it I wish to adhere to the line adopted by my predecessor in office Mr. Windham, who upon your Lordship's appeal to him on this subject referred you to the Regulations of 1765. These Regulations having subsisted so long without any inconvenience, I am induced to believe that adhering to their general directions will prove more advantageous to His Majesty's service than adopting any new system to which more objections might arise. It appears to be almost impossible when the Civil and Military commands are divided in a distant government but that, under any system of regulations, points of nicety will casually arise leading to difference and discussion, unless one of the powers shall be completely subjected to the other. But in such cases no real inconvenience can arise so long as a zeal for His Majesty's service shall actuate those who are vested with his authority and a mutual forbearance will always take place till the point in dispute can receive His Majesty's decision. There seems however one rule which can be safely adopted, which I am to state to your Lordship. Whenever any difference with regard to any matter of importance in the service shall arise between His Majesty's Civil Governor and the Commander of the Forces it will be adviseable

that the decision thereof *ad interim* should be formed according to the last precedent within the Colony and the case be referred for final decision to the consideration of His Majesty's Ministers.

I now proceed to the particular points in which your Lordship conceives that you have a right to controul the Military Department, viz. the expenditure of public monies, the commissariat accounts and the payment of troops, and I entirely concur with your Lordship that your Lordship has authority in these instances so far, but so far only, as the expenditure arises from the application of the Colonial Revenue. But with regard to the expences of the Military Department which are paid from the Treasury of Great Britain these are regulated according to the instructions given to the Commander of the Forces, the Commissary and Paymaster by the respective superintending authorities here, as is the case in the West Indies and in all other places where His Majesty's troops serve abroad, except where they are employed for the service of the East India Company who pay them whilst in India.

It is matter of great satisfaction to observe the moderation and regard for His Majesty's service which has equally actuated your Lordship and Lt. Genl. Grey in the discussion of the boundaries of your respective authorities, and I have no doubt that you will never cease to be mutually guided by the same spirit of conciliation and good understanding. I have etc.

(Signed) CASTLEREAGH.

[Copy.]

*Memorial of SIR DAVID BAIRD to HIS MAJESTY THE KING
in Council.*

To the King's most Excellent Majesty in Council.

The humble Memorial of Sir David Baird, Lieutenant General in His Majesty's service, and lately employed on an expedition against the Cape of Good Hope, in behalf of His Majesty's Forces who were present at the capture of that Colony.

Sheweth :—

That at the surrender of the town and castle of Good Hope

on the 10th day of January 1806 to the forces under the command of His Majesty's Memorialist, in conjunction with a squadron of His Majesty's navy under the orders of Sir Home Popham, at the express and particular request and solicitation of the Batavian Government of the Colony, who stated it to be indispensably necessary in order to prevent its total ruin, an article was introduced into the capitulation, that all the paper money in circulation should continue current until His Majesty's pleasure was known.

That on the above occasion and at the subsequent submission of General Janssens (the Governor General of the Colony) in the interior of the country, a certain sum of money, part in specie and part in the above-mentioned paper money, came into the hands of His Majesty's forces.

His Majesty's Memorialist begs permission to state, that the nature of the paper currency at the Cape, as its original name Papiere Geld, or paper money, implies, is totally and entirely different from that of any promissory note or other obligation. It is in fact, literally and *bonâ fide*, a representative of specie, its value denoted on the face of it, and has formed ever since the year 1781 when it was first created and issued almost the only circulating medium of the Colony.

There is no promise of payment in any other description of coin either on demand or at any future period, as the specimens transmitted herewith will testify, nor has at any time since its first issue any part of it been redeemed or taken out of circulation, but as the pieces have become worn out and defaced it has been customary to exchange them for new ones of a similar value; on the contrary, the Dutch Government has found it expedient to encrease the amount created at first, and even at present, on account of the almost total absence of specie at the Cape the quantity of paper money in existence is by no means adequate to the necessities of the Colony, which suffers much from the want of a sufficient circulating medium.

Part of the paper money so captured composed the military chest of the Batavian army, which appears to have been formed some time previous to the arrival of His Majesty's forces at the Cape in apprehension of an attack from the British, when by order of the existing Government a sum of money, part in specie and part in paper money, was issued from the public treasury of the

Colony, and placed at the disposal of the general commanding the Batavian forces, for the purpose of meeting any military exigencies that might arise.

When General Janssens retreated to Hottentots Holland after his defeat at Blue Berg, he took with him a portion of this military chest, which was paid into the hands of the Dutch Commissary at War, to defray the expences of the campaign, the remains of this portion came into possession of His Majesty's forces on the submission of the general, although in treating for his surrender with Brigadier General Beresford, he expressed an anxious wish to be permitted to retain the money avowedly for the purpose of enabling him to reward such of the farmers and other inhabitants of the Colony as had shewn devotion to the Batavian cause, and indeed previous to his final surrender he had distributed considerable sums in this manner.

The residue of the military chest was left by the general in Cape Town, and in the charge of certain officers of the Government, who foreseeing the ultimate reduction of the Colony agreed to divide the money among themselves, under an express stipulation, however, that it should not be applied to their private use until His Majesty's flag was hoisted at the Castle ; this secret and extraordinary proceeding took place on the evening before the British troops marched into Cape Town, and after the preliminaries for its surrender had been actually signed ; information on the subject having been communicated to the Memorialist by an officer to whom it had been privately intimated, directions were given that the money should be replaced in the chest, as an unauthorized act of the nature described could not be permitted or sanctioned.

His Majesty's Memorialist submits that the whole of the paper money taken in the military chest, in the public treasury of the Colony, and in the offices of the receivers of wine duties, the vendue master and other public officers of government had all been in long circulation, and was guaranteed and current with the like money that was in the possession of private individuals. And His Majesty's Memorialist humbly begs leave to state that at the former reduction of the Cape in 1795 by His Majesty's forces under Sir Alured Clarke and Sir George Keith Elphinstone (now Lord Keith) the whole of the specie and paper money found in the possession of the Dutch Government was by His Majesty granted

as booty to the captors, and as such has been divided among them.

His Majesty's Memorialist therefore humbly prays that His Majesty will be graciously pleased to direct that the specie and paper money belonging to the Dutch Government and captured in the military chest of the Batavian army, in the public treasury, and other government offices of the Colony at the reduction of the Cape of Good Hope in 1806 be in like manner as at its former conquest granted to the captors as booty, and as such, divided among His Majesty's naval and military forces employed on the occasion in such mode as His Majesty may graciously be pleased to think fit.

Translation of the Cape money.

Rix Ds. 4.

Q.

No. 6146.

Good for Four Cape Rix Dollars.

Cape of Good Hope, the first of May 1804.

Note.—The original of the above enclosed in the memorial.

Note.—No sort of expence will have been incurred by His Majesty's Government, should the prayer of this memorial be granted, all that is solicited being that the produce or proceeds which have arisen from the exchange or sale of the Spanish and Cape dollars captured be confirmed to the captors.

[Original.]

Letter from SIR DAVID BAIRD to VISCOUNT CASTLEREAGH.

41 JERMYN STREET, 13th May 1808.

Sir David Baird presents his best compliments to Lord Castlereagh, and begs leave to enclose for his Lordship's perusal a copy of a memorial he has presented to His Majesty in Council respecting part of the booty captured at the Cape of Good Hope.

Should Lord Castlereagh wish any further information upon the subject, Sir David Baird will be happy to do himself the honor of attending his Lordship at any time he will please to appoint.

[Copy.]

Letter from REAR ADMIRAL BERTIE to the COMMISSIONERS OF HIS MAJESTY'S NAVY.

Leopard at Sea, 15th May 1808.

GENTLEMEN.—Having given particular consideration to your letter of the 29th ulto. respecting the probability of a supply of timber and plank for the use of H. M. ships employed at the Cape being obtained from the neighbourhood of Plettenberg Bay, together with the report of Mr. Narracott thereon, and a list of woods delivered by him, stated to be found there, and that will answer the above purposes, as also some observations on the representation which it appears has been made to you by Rear Admiral Stirling relating thereto; and you having desired I would, on my arrival at the Cape, make it the particular subject of my enquiry, and deliver you my opinion thereon, I beg to submit the following observations :

That from the well known scarcity of the above articles, their extreme increase in price, and the report of Mr. Narracott, "That timber, fit for the main pieces of rudders, floors, transom knees and plank" (some of which is in the opinion of Mr. Narracott superior to oak) "together with wood fit for masts and yards, and such woods as are durable under water are there to be found," it appears to me the reality of such a resource should be verified without delay, as there is every reason to suppose the fact is as has been stated, and to this end whether directions ought not immediately to be given that proper persons may be sent to the spot, whose judgment may direct them in the cutting down of timber of the various kinds stated to be useful, that they may ascertain the strength which will be required in bringing them to the water side, and that being there, a proper vessel may be hired or purchased for their removal to the Cape, in which case some of this wood should be tried on board the ships under my orders, and some sent home for your inspection. Without directions to this effect being given by the Board, this most desirable object must fail, from the want of proper means to its accomplishment; and no time should be lost, particularly as I understood there are only certain months in the year when vessels can lay in Plettenberg, or any of the bays adjacent, to receive on board such spars

or timber as may be cut down; and that the favourable season will be near approaching when I may be expected to arrive at the Cape.

I have only to add that viewing the attainment of this object as one of real importance to Government, should the Navy Board see fit to give such directions as will forward the execution of their plan, no exertions will be wanting to overcome any difficulties it may be in my power to remove for its accomplishment, either by directions I may be able to give at the Cape, or by visiting the spot myself on the first convenient opportunity, as well as by ascertaining the resources it affords for the conveyance of the spars, timber &c. to the water side. I therefore desire to be informed if it is the intention of the Board, by their communication to me on the subject, that I should consider of the most adviseable means to be adopted in having such woods brought to the Cape, and whether the Board will authorize the expences which will be thereby incurred, without which sanction it does not appear to me that I can be useful in forwarding their views in this respect. I have etc.

(Signed) A. BERTIE.

P.S.—In the further prosecution of this object I consider it would be highly desirable I should be in possession of Rear Admiral Stirling's observations in detail, together with any other document the Board may have received, particularly those given in at the time of Mr. Narracott's report.

A true copy.

(Signed) A. BERTIE.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, May 18th 1808.

MY LORD,—The Act of Parliament for prohibiting the importation of slaves into His Majesty's settlements has given rise to a case of some difficulty, but in which I presume to hope that His Majesty's Ministers will approve of the line of conduct that I have adopted.

Sir David Baird, in consideration of some advantage which His Majesty's Government had derived from the exertions of Mr.

Tennant, permitted that gentleman, in the year 1806, to import 500 slaves for the use of the Colony, in virtue of which permission he contracted with a Portuguese named V. de Souza, whose ship, the *Neptune African*, was then lying in Table Bay, to supply him with 250 slaves. The contractor accordingly sailed for Mozambique in February 1807, with the intention of returning as soon as he could complete his loading, but, shortly after, a Portuguese slave ship, called the *General Izedro*, arrived, when Mr. Tennant, finding a favorable opportunity of benefitting by Sir David Baird's permission, applied to Lt.-Genl. Grey, Acting Governor, and obtained leave to land 383 slaves as part of the number to which the licence had extended.

Upon the return of the *Neptune African*, afterwards called the *Constantia*, from Mozambique, Mr. Tennant applied to me for permission to land the whole cargo, consisting of 220 slaves; but, as I saw no reason for granting an extraordinary indulgence, I merely permitted the importation of 117, which with those from the *General Izedro* completed the amount he was entitled to land by the sanction of Sir David Baird.

Under such circumstances the vessel was about to proceed to the place of her ultimate destination, the Brazils, with 103 slaves on board, the property of Mr. Tennant, when she was detained by one of His Majesty's ships of war and proceedings instituted against her in the Court of Vice Admiralty. It was now reported to me that the slaves, from long confinement, were in a most unhealthy state, and, actuated by a consideration for their sufferings, I permitted them to be landed on Robben Island until the decision of the Court should be divulged.

The claim of the captors shortly afterwards was withdrawn, and the slaves would have been again embarked had not a violent gale of wind arisen which drove the ship from her moorings and in consequence of which she was totally lost in Saldanha Bay.

Your Lordship will now perceive the embarrassing situation in which I was placed, prohibited by the enactment of the legislature from permitting their importation as slaves, equally prohibited from permitting their export to any other country, yet knowing that, if landed as free people, from their youth and extreme ignorance they would in fact either be forced into servitude or starve for want of food. I was induced to accede in part to the prayer of a memorial from Mr. Tennant then addressed to me, by

allowing them to be landed, having previously directed His Majesty's Fiscal to bind them by indenture to Mr. Tennant as apprentices in husbandry for the term of seven years, subject, however, to the approval of His Majesty's Ministers and to any alteration which they may be pleased to direct.

I have herewith attached a statement of this case as offered by Mr. Tennant, together with the deed of indenture, which will continue in force unless I receive your Lordship's commands to the contrary. I have, etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, May 18th 1808.

MY LORD,—I do myself the honour of submitting for your Lordship's consideration a case which has recently occurred, and of requesting your commands for the guidance of my future conduct under similar circumstances.

His Majesty's Fiscal, having obtained information that some slaves had been clandestinely landed from the Portuguese ship *Rosalia*, lying in Table Bay, instituted an enquiry before the Court of Justice on the morning of the 25th April by an examination of the master.

The result of the enquiry was a conviction in the breast of the Court that the charge alledged was well founded, in consequence of which it was determined by His Majesty's Fiscal to seize the vessel, prosecute the master on the part of the Crown, and pray the judgment of the Court according to Colonial Law and usage.

From motives of delicacy it has been always customary when interference is used in the naval or military departments previously to acquaint the head of the department with the proposed object in view, His Majesty's Fiscal, therefore, far from omitting such a necessary point of etiquette, addressed a letter to Commodore Rowley advising him of his intention with directions to his sub-sheriff after the delivery of the letter to proceed according to due form in effecting the seizure.

It so happened that Commodore Rowley was attending in the

Court of Vice Admiralty when the letter was delivered, and whether it was that the contents transpired, or the object was merely presumed I cannot ascertain, but scarcely had the sub-sheriff got into the boat to execute the orders of the Fiscal than he perceived the Deputy Marshal of the Vice Admiralty Court (whom he had left in Court) following in another boat and evidently directing his course to the same object. The boats reached the vessel at nearly the same time, that in which was the sub-sheriff was first alongside, he had hold of the rope, his feet on the ladder, and was about to ascend when the Deputy Marshal passing from his own boat into the other, pushed him away, and by that means was first on deck. Each party claimed and kept possession, and each assuming the plea of prior capture, instituted proceedings against her, the Fiscal in the Court of Justice, the Deputy Marshal in that of the Vice Admiralty.

I was induced to hope from the manner in which the seizure had been made that the Judge of the Vice Admiralty Court would not have entertained the cause, and I indulged that hope the more from a consideration that his predecessor left revenue cases to the cognizance of the Court of Justice; but my expectation was not realized, and I had the mortification of seeing the same cause undergoing a process in two Courts altogether separate and distinct, each claiming a competency to decide, and one (the Admiralty) the right of immediately executing its decrees. Thus circumstanced, the President and Members of the Court of Justice addressed a letter to me, bearing date the 4th instant, urging a complaint against the Deputy Marshal of the Vice Admiralty Court for impeding the sub-sheriff in the execution of his duty, expressive also of an apprehension lest there should arise a collision of rights if both Courts continued to act.

In reply to this letter I acquainted the Court that I had forwarded their complaint to the judge for his report upon the conduct of the Deputy Marshal, and recommended a continuance of their ordinary functions until the event which they apprehended should take place, when I would consider of the measures best calculated for establishing the authority of each Court upon a more clearly defined basis.

By a decree of the Vice Admiralty Court, bearing date the 5th instant, the ship was released, on the other hand the Court of Justice, after a full investigation of all the circumstances as well

as the voluntary admission of his guilt by the master, found the defendant guilty of clandestinely landing slaves, and have condemned him to pay three times the value of the slaves which were landed, averaging the value according to the price which green or raw slaves sold for at the last public auction.

From the turn which the case took in the Court of Vice Admiralty I was relieved from the embarrassment that must have occurred had each Court pronounced the defendant guilty and attempted to execute its decree, and although your Lordship will no doubt give those directions that are best calculated to prevent the repetition of such an occurrence, yet I presume to offer reflections which might not otherwise come so immediately into view.

According to the law of the Colony all offences against His Majesty's Revenue or any transgressions of the Revenue Regulations are tried by the Court of Justice. His Majesty's Fiscal prosecutes on the part of the Crown, and in cases of condemnation receives ex-officio one third of the fine, the residue being divided between the Colonial Treasury and informer; this law, like every other by which the Settlement is regulated, was guaranteed to the inhabitants by the 8th Article of the Capitulation, and were it now to be reversed by having the jurisdiction in revenue cases vested in the Court of Vice Admiralty, it would lead to the following result, that the Court of Justice would be deprived of a right reserved by capitulation and guaranteed by an Act of the British legislature, His Majesty's Fiscal would lose a considerable part of his income, the Colonial Government a branch of its revenue, and added to these the more weighty objection that substantial justice would be defeated, a circumstance fully demonstrated in the present instance, when the accused, admitting his guilt, would have escaped punishment had it not been for the intervention of another Court.

Having thus submitted the circumstances that have occurred (and attaching the proceedings of the Court of Justice relative to the prosecution, in the event of their being considered necessary), I am now to pray your Lordship's consideration upon the expediency of confining the trial of such cases in future to one or other of the two Courts; for as long as such suits may be prosecuted indiscriminately in either, or, indeed, in both at the same time, so long must the parties be subject to accumulated

expence, the intervention of one decree must operate against the execution of another, and the dignity of His Majesty's Government eventually suffer in the public estimation. I have, etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, May 20th 1808.

MY LORD,—As a circumstance has occurred which obliges me to move out of the ordinary routine of business in administering the affairs of this Government, I pray the indulgence of your Lordship's attention to a detailed account of my conduct.

A Portuguese vessel named the *Rainha dos Anjos*, having on board the ex-governor of Goa and all the Portuguese establishments in India and China, was met off the Cape by the private ship *Phœnix* which took possession of her and brought her into Simon's Bay, where proceedings were instituted against her in the Court of Vice Admiralty on the part of the captors.

As the ex-governor, through his aide de camp, strongly pressed upon me the hardship of his situation and his anxious entreaty that the vessel should be discharged, I thought it at least due to one of his consequence and rank not to observe an air of apathy and indifference in what related to him.

It appears, my Lord, from the result of my enquiries, that the person in question, Antonio Francisco da Veiga, exclusive of the high situation which he enjoyed as Viceroy of Goa, is likewise of Her faithful Majesty's Council, first Lieutenant-General of Her armies and Grand Cross of the Order of Aviez. This gentleman, after a service of 26 years, had been relieved in his Government, and was on his return to Portugal to enjoy, at 78 years of age, the fruits of his labour, when he was brought in here to learn the destruction of his family, property and country. Of his attachment to the British interest your Lordship is probably already apprized, and if my authority be correct (Captain Hardy, Port Captain of Bombay) I am informed that the Honble. East India Company, bearing in mind the liberality of his conduct, ordered one of their homeward bound ships, the *Devonshire*, to be fitted up

for his reception, in which vessel he would have returned had not a ship of his nation, commanded by a Captain of the Portuguese Royal Navy, offered what was then considered an equally safe and more commodious conveyance.

After this account your Lordship will pardon me if I identify the case of an individual with that of a proceeding against the vessel in which he was a passenger. As long as the claim of the captor was in force or in as much as related to his claim, I was silent; but when the captor informed me that he intended to relinquish all pretensions, I considered it no breach of decorum to express to the judge the sentiments of liberal policy which I presumed would actuate His Majesty's Council under similar circumstances, and therefore suggested the most favorable construction of an order which could only be framed for the preservation, not for the destruction, of the property of our ally.

After a delay of ten days, the cause was decided; the captor had relinquished all right, the King's Advocate urged no claim on the part of the Crown, and the supercargo proved that the property, with the exception of a very small proportion, belonged to himself and his father. Under such circumstances I was induced to hope that the property would have been adjudged as claimed, and that the parties would have been permitted their voyage to Rio de Janeiro, but the judge of the Vice Admiralty Court considered His Majesty's Order in Council of the 6th January 1808 peremptory, and accordingly decreed that she should be detained subject to its provisions.

I now beg to offer for your Lordship's reflexions the probable consequences which such a decree, if carried into effect, would have produced. The vessel had left Goa upwards of three months, had arrived here at the commencement of the bad monsoon, and if detained until His Majesty's pleasure was taken it would certainly be 9 months before she could arrive at the place of her destination, demurrage and other expences would, exclusive of accidental injury, consume all the profits, whilst neither His Majesty's interest nor the subjects of the Portuguese Government could reap any advantage. The Order in Council of the 6th January had never been transmitted officially to this Settlement, and therefore I am still in doubt how far, if at all, its operations were intended to apply to a place so distant from the seat of Government; a doubt still increased by a letter which I received from the Conde dos

Arcos. This order if taken in the strongest point of view is that it should be His Majesty's pleasure to appropriate the proceeds of such droits to his own treasury, but I trust that it will be manifest by my letter to the British Resident at the Brazils, that in such an event His Majesty's interest would suffer instead of being benefitted by the detention.

Under such impressions and with a knowledge that the ship was not destined for Lisbon until the actual state of Portugal was ascertained by touching at one of the Cape Verde Islands, I thought it adviseable to seek the opinion of the King's Advocate upon those points on which I wished for legal advice as a direction to my conduct; what the opinions of the King's Advocate were your Lordship will collect by the correspondence which is annexed; suffice it to say that, in conformity to his advice, I directed the vessel in question as a measure of state policy to be released and permitted her clearance for Rio de Janeiro. How far His Majesty's Ministers may approve of such an act is a point upon which I shall most anxiously await for your Lordship's communication, but I confess, my Lord, under all the circumstances of the case and unable to divest myself of some share of private feeling for the sufferings of the aged and unfortunate Viceroy, I rather apprehended to incur the displeasure of my Sovereign by a more scrupulous attention to the words than the spirit of his order, and thus I ventured upon that responsibility which I have assumed, maturely considering our relations with the Portuguese Government and the support of the British character for generosity and protection towards its allies.

I have now stated to your Lordship the part I have taken, but, lest an impression should arise that in effecting this measure I interfered with the Vice Admiralty Court in a manner unsuitable to the situation in which I am placed, I have together with the opinion of the King's Advocate likewise attached the correspondence I held with the judge of the Vice Admiralty Court, by which I hope it may appear that I acted with temper and discretion, as it certainly does that I required patience and forbearance.

I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, May 20th 1808.

MY LORD,—After the receipt of your Lordship's dispatch acquainting me with the opinion of His Majesty's Advocate General upon the subject of the several funds seized on behalf of the captors of this Settlement, I directed Major Bird, Acting Colonial Secretary, to address a letter to William Robertson Esqr., prize agent, requiring that he would be pleased to repay the amount which had been thus received by him, and which did not appear to be that description of property such as His Majesty in his bounty bestows upon his military servants, and, in the event of his having remitted that property to England, I pointed out the method of repayment which I considered most summary and advantageous to His Majesty's interest.

In reply to which letter, Mr. Robertson having stated, for my information, the difficulty of an immediate compliance with my directions, I have thought it sufficient to submit a copy of Mr. Bird's letter with the answer, and to await your Lordship's further orders; having at the same time transmitted to Mr. Agar, agent for the Settlement, a copy of the correspondence, with directions for the guidance of his conduct, subject to any alteration your Lordship may think expedient to adopt. I have etc.

(Signed) CALEDON.

[Office Copy.]

Letter from E. COOKE, ESQRE., to the EARL OF CALEDON.

DOWNING STREET, 22nd May 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that permission has been given to the bearer, Mr. James Kelly, to proceed to the Cape of Good Hope where he intends to settle as a merchant. I have etc.

(Signed) E. COOKE.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 23rd May 1808.

MY LORD,—I herewith transmit to your Lordship copy of a letter from the Secretary of the Treasury, inclosing a report of the Comptrollers of Army Accounts on your Lordship's dispatch relative to the disposal of Government Bills at the Cape and the value and supply of specie there, and I am to desire that in conformity to the opinion of the Lords Commissioners and of the Comptrollers of the Army Accounts as therein expressed, you do take such steps as may be necessary for issuing the dollars at 5s. instead of 4s. 8d. I have etc.

(Signed) CASTLEREAGH.

[Original.]

Letter from CAPTAIN ROWLEY to the HONOURABLE WILLIAM WELLESLEY POLE.

HIS MAJESTY'S SHIP *Raisonable*,
SIMON'S BAY, 23rd May 1808.

SIR,—I have to acquaint you for the information of their Lordships that the Russian armed ship the *Diana* commanded by Mr. Gallowin, Lieutenant in the Russian Navy, coming into this Bay on the 3rd inst. was boarded and taken possession of by His Majesty's ship *Nereide*.

The *Diana* sailed from Spithead on the 13th November, and after a fruitless attempt to effect a passage round Cape Horn bore up for this place, being entirely ignorant of the war having taken place between Great Britain and Russia; her commander produced a pass from their Lordships dated the — September 1807, but I have notwithstanding taken it upon me to detain her, not only from the pass being of a date previous to any detention of Russian vessels, but from the peculiar circumstances of the case.

The commander of the vessel had formerly served on board His Majesty's ship *Seahorse* under the command of Captain Corbet of the *Nereide*, to whom he was very unreserved in communicating several particulars relative to his voyage, by which it appears that

previous to any attempt at discovery he was to proceed to the port of St. Peter and Paul at Kamtskatcha where he was to land the iron work, furniture and guns for fitting two armed schooners of about 120 tons each, the timbers of which are to be prepared against his arrival, there is no person of nautical science on board, nor is the commander (according to Captain Corbet's account) at all qualified for conducting an expedition of discovery, but other vessels having been sent on that coast it is probable that he is to act in a subordinate situation; it appears also that it is the intention of the Russian Government to form a settlement on an island on the N.W. coast of America. It is possible that the circumstances I have mentioned may be already known to their Lordships, but I humbly conceive that hostilities having taken place between the two countries may occasion a change of political expediency as to the allowing an enemy such means of annoyance as the armament in question would prove if employed against our trade on the N.W. coast of America. Guided by these considerations, I do not suppose it would be their Lordships' wish that this ship should be permitted to proceed on her voyage, and have accordingly detained her till their pleasure should be known, but I have done this with every regard to civility and attention on our part, allowing the officers and crew perfect liberty, with permission to the commander to refit and get the vessel in a state of prosecuting her voyage in the event of their Lordships judging it proper that she should proceed, and I trust they will approve of the motives on which I have acted on this occasion. I have etc.

(Signed) Jos. ROWLEY.

[Original.]

*Letter from CAPTAIN ROWLEY to the HONOURABLE
WILLIAM WELLESLEY POLE.*

HIS MAJESTY'S SHIP *Raisonable*,
SIMON'S BAY, 23rd May 1808.

SIR,—I beg leave to acquaint you for their Lordships' information that the *Abundance* store ship having landed at the naval yard at Cape Town and this place all the stores she had to deliver, I have ordered Mr. Fryer who commands her to proceed to St.

Helena, and if no convoy is on the point of sailing thence to make the best of his way to Spithead.

At the desire of His Excellency the Governor I have ordered to be embarked in her a few Spanish prisoners (nine in number) whom it was his intention had opportunity offered to have sent to South America.

The *Nereide*, *Otter*, and *Charwell* sailed on the 13th inst. under the orders of Captain Corbet with directions to cruize off the Isle of France, taking such positions as the intelligence he may procure of the enemy's force may render adviseable, and I have directed Captain Corbet when the state of their provisions renders it necessary to quit their station to proceed in the *Nereide* to Bombay to have her bottom examined, the ship from having struck on a rock while in the River la Plata has a constant leak though otherways in a most serviceable state, and I have no doubt from the favorable season in which she will make her passage and the known activity of her commander, that this station will be but for a short time deprived of the services of so useful a ship.

The *Grampus*, *Laurel*, and *Harrier* I expect from their cruize off the Isle of France towards the end of this month.

I have sent the *Staunch* gun brig with some carpenters to endeavour to cut timber in the Knysna, a small harbour near Plettenberg's Bay, which from every information I believe a most eligible situation for the purpose; the latter place I have directed her to proceed to should the entrance to the former not be found practicable, and am on the eve of sending the *Flora* transport to ship what timber they may have procured.

The *Barracouta* anchored in Table Bay on the 16th April, and after completing her water and provisions sailed again on the 26th.

The four transports which carried out the 47th Regt. to India have just returned from thence, and it is my intention as soon as they have landed the rice and sugar with which they are loaded, the former for the service of the Colony the latter for that of His Majesty's navy, to dispatch them under convoy of His Majesty's sloop *Cormorant* to England, as formerly purposed by Rear Adml. Stirling.

In the event of the *Abundance* reaching England previous to the arrival of the convoy from India which left Pt. de Galle on the 14th March, I beg to acquaint you that just before their departure *La Piedmontaise* was captured by the *St. Fiorenzo* off

the Island of Ceylon after a severe combat in which Captain Hardinge fell; the *St. Fiorenzo* had arrived with her prize at Colombo.

I herewith transmit you the disposition of the squadron and an abstract of their state and condition, and have the honor etc.

(Signed) Jos. ROWLEY.

[Copy.]

Report of MAJOR R. COLLINS.

CAPE TOWN, 30th May 1808.

MY LORD,—Conceiving that the object of your Excellency's instructions might be greatly promoted by a personal communication with some part of the Bosjesmen nation, on arriving at the Hantam, I engaged as an interpreter a Bastard Hottentot named Jan Titis, who speaks one of the dialects of their language, and had been visited only a few days before by one of their chiefs named Rouman. Having made the necessary preparations for the journey, we left the house of Christiaan Bras, the most remote on that side of the colony, on the 25th of April, and on the evening of the 27th we arrived at the drift, or ford, on the Zak River, about twelve miles above its junction with the Fish River, and thirty from Rouman's Kraal, which I intended to visit. But the country appearing too dry for the oxen to proceed, I sent the interpreter on horseback to invite the people to come to us, an invitation they had frequently accepted from such farmers as used to avail themselves of their assistance on shooting parties. He returned next day with the unexpected intelligence that he had not found any person at the kraal, and said he supposed that the inhabitants of it had gone further to the interior in search of game and water, of which he had observed their late residence had become almost destitute. Two Bosjesmen families were stated to reside separately at the distance also of about a day's journey; but as it was thought that the same causes which had occasioned the departure of Rouman's people might also have induced them to move, as the other kraals of that part of the country were said to be mostly hostile, and at a considerable distance; as the country

was excessively dry, and our horses and cattle much out of condition, it was deemed advisable to return, without proceeding any farther, to the Hantam, where I gave Titis a few presents for the two Bosjesmen families above-mentioned, and for his friend Rouman, desiring that he would endeavour by persuasion to bring him to Cape Town, where I told him they should both be well treated.

I still hoped that access might be obtained to some part of that nation from Roggeveld, but was informed there, that the only kraal situated near that district was one commanded by an old man named Platje, which had removed about a month before, probably until the return of rain, to a place better supplied with water. This intelligence put an end to all my expectations; and as I understood that the veld cornet, Mr. Jacobus Nel, kept up a friendly communication with such of the Bosjesmen as lived peaceably, I left presents with him for them, requesting that when he delivered them, he would encourage any of their chiefs who might wish to go to Cape Town, to proceed there, by assuring them that they should be well received and presented to your Excellency, who was desirous of giving them marks of favour and protection.

Having thus failed in my endeavours to obtain an opportunity of forming a judgment of the state and disposition of that people from personal observation, I can only convey to your Excellency the most satisfactory accounts I have received respecting them, from the most intelligent and respectable men I have met with who had visited their country. In communicating this information, as well as my ideas on the other points to which my attention has been directed, I shall adhere to the mode adopted by your Excellency, viz. the extent of the misunderstanding which prevails between the farmers and the Bosjesmen; the probable cause, or causes, which have occasioned it; and the line of conduct best suited to remedy the evil.

On comparing the complaints of the injuries sustained by the farmers with their accounts of the numbers, hostility, enterprise, and activity of the Bosjesmen, it seems astonishing that they should have suffered so little from their attacks; yet it is said that the depredations committed by them last year, which appear to have been accurately stated in the several reports transmitted to government, considerably exceed those of former years, which is attributed, in some degree, to their knowledge of the

great mortality then prevailing among the farmers' horses in consequence of the extraordinary dryness of the season.

They usually make their incursions in autumn, at which time the horses are sickly, or at least in bad condition, and unable on that account, as well as from the want of water, to pursue them with vigour. They generally conceal themselves behind rocks or bushes, as near as possible to the cattle; and if the Hottentots who guard them should fall asleep, which frequently happens, in consequence of being overcome by the heat of fires or the immoderate use of dacha, they approach them softly and murder them. If no opportunity is afforded them in the field, they lay in wait towards the close of day, for the return of the herds to the farm houses, and having dispatched the herdsmen, drive away their prey, favoured by the night. To enable them to do this the more speedily, they are said to carry with them the skins of lions, by the scent of which the cattle imagine those animals to be in pursuit of them. The farmers follow them by the trace, called in Dutch *spoor*, which they can easily distinguish, even by moonlight, and after a lapse of several days. If the Bosjesmen perceive themselves in danger of being overtaken, they wound with spears, or poisoned arrows, as many of the cattle as time will admit of, and endeavour to effect their escape. If they succeed in bringing their plunder to the kraal, they feast and riot until it is consumed, which is effected in a very short time, as they waste the greatest part of it; frequently abandoning numbers of sheep and cattle to birds of prey, (which constantly attend them on such occasions), after having made them serve as targets for their children. Their dread of horses is so great that a few horsemen will defeat almost any number in a plain; but when posted on heights, they defend themselves with great obstinacy; and they have never been known to demand quarter in any situation. They never drive away horses, but frequently kill them on mountains, where they are sent to avoid the sickness that afflicts them periodically on the plains. This is said to have occurred some weeks since, in the district of the Gnoup, where there is reported to be at this moment a hostile kraal, three men of which were lately killed by the farmers in the act of plundering. That quarter had been free from the incursions of this people since about 18 years ago, when two hordes, amounting to more than a thousand persons, entered it, and committed such devastation as would have obliged the

settlers to abandon it if the government had not authorized a general commando against them, which, after killing a great number, drove the remainder into their own country.

The supposition that the enmity of the Bosjesmen was originally occasioned by their resentment at being forced by the colonists to quit the territory of their ancestors, seems unfounded, as it appears that they have always resided in the country they now inhabit since the Cape has been possessed by Europeans. In the course of my journey, I have seen several persons who remember the events of more than half a century. They relate that the colonists began to settle this part of the country about sixty years ago, when they found it inhabited by Hottentots, who readily entered their service. The Bosjesmen resided at that time beyond the Zak River, with the exception of a few kraals that lived a little on this side of it, for the convenience of exchanging skins for the tobacco of the Hottentots, who procured that article from the colonists in Bokkeveld, south of the Karoo. They were then in the habit of plundering the Namaquas, a timid people, possessing cattle, and residing about the Kamies Berg, but with the exception of one kraal, which, however, did but little injury, they were on the most friendly terms with the farmers, who might send their cattle to any distance without danger from that people, by whom any that occasionally straggled among them were brought back to their owners. This tranquillity, after having continued many years, was unfortunately interrupted by an event similar to that which gave rise to the Trojan war.

A servant of the late Mr. Van Reenen, of the Hantam, having carried off the wife of a Bosjesman was murdered by him; some settlers having assembled proceeded to the kraal to which he belonged, and required that he should be delivered up to them; their demand being refused, they attacked the kraal, and put several persons to death. About the same time some Hottentots left the service of the farmers, and joined the Bosjesmen, to whom they gave the example of robbing them, which they soon followed, and which has continued in a greater or less degree since that period, not unfrequently attended by murder.

Of the existing causes of hostility, the most obvious, on the part of the Bosjesmen, is their power of procuring, by plundering the farmers, such articles of subsistence as they do not possess in their own country. To this may perhaps be added the habit they have

acquired of making these incursions, which give them employment when game becomes scarce, and afford them opportunities of distinguishing themselves by exploits that may obtain the applause of their little society, and ultimately raise them to the head of it; for it is said that on the death of the chief of a kraal the bravest generally obtains the command of it; an honour, however, that confers but little authority on him, except in their expeditions, which he is therefore naturally inclined to multiply. It does not appear that they are actuated by any particular animosity to the colonists in these incursions, for their object seems to be plunder, not murder, which latter has seldom been committed, except when necessary to promote the former. It is remarkable also, that when they come to any part of the country from which the farmers have absented themselves, which often occurs perhaps for months, and to the distance of several days' journey, taking with them their families and flocks, for the purpose of obtaining a greater supply of water, or a milder climate; although these savages enter their dwellings and have the power of committing all imaginable mischief with impunity, they seldom do any other damage than burning the chairs and tables to warm themselves, which, in a country almost destitute of fuel, cannot be regarded as a very wanton or malicious act.

I have already mentioned their plundering the Namaquas, from whom they found such feeble resistance as to induce them to continue their visits, with little intermission, while their cattle lasted. They also attempted to rob the Kaffers and Boshuanas, but they experienced from them such determined opposition that they have since given them but little trouble. Thus they seem to have attacked the several districts and habitations indiscriminately, consulting only their convenience or knowledge of the means of defence, which latter they easily obtain in their friendly visits. Whatever blame may be attributed to the colonists as to the original cause of the unfortunate misunderstanding that exists between them and the Bosjesmen, I observed nothing in them that indicated that implacable hatred which they are so generally supposed to feel for that people. They have frequent intercourse with some of the kraals, whose inhabitants often come to their habitations, and receive from them presents of sheep and tobacco. Many of them have Bosjesmen in their service, whom they treat humanely, and who serve them faithfully. It cannot be considered

extraordinary that when any of that people kill their shepherds and steal their cattle, they should wish to follow them to recover their property and revenge the murder of their servants. Cruelty is unfortunately too often the attendant even of those wars in which the individuals engaged are uninfluenced by any personal consideration; it would not therefore be surprising that instances of it were found on these occasions. But I am much distressed to believe that the accounts given of them are exaggerated; as they have been principally received from a late traveller, who, from some unaccountable cause, seems to have exerted all his ingenuity to exhibit the African farmers in the most unfavourable point of view, and whose representations of their treatment of the aborigines, having been conveyed through the medium of eloquent declamation and specious philanthropy, seem to have been implicitly received and regarded as incontrovertible, although his statements respecting them are extremely incorrect, as I have known from many particulars that have fallen under my observation. It is, however, to be feared that women are sometimes put to death in these expeditions; and it cannot be doubted that the farmers generally bring away a number of children.

With respect to the idea that the extension of the boundary from the Riet to the Zak River may have increased the wants of the Bosjesmen, and consequently excited an additional degree of resentment in their minds, that circumstance will not, perhaps, be considered as a cause of their hostility, if it is true that the majority of that people have always resided in the country north of the latter river, which is stated to be much better than that to the south of it. There are likewise some strong objections to the former boundary. It runs near mountains, in which the Bosjesmen can act with great advantage; but before they can arrive with their plunder at the new one, they must pass through a plain of considerable extent, in which the chances are in favour of their being overtaken and attacked with almost a certainty of success. It is also to be apprehended that by withdrawing the boundary from the Zak to the Riet River, the farmers would be deprived of the advantages they derive from the water and pasturage they procure at the former, in seasons when they cannot find them elsewhere, without rendering the Bosjesmen any service, except that of facilitating their attacks, or producing any other effect on their minds than a supposition that the act must be the consequence of

fear ; conscious of their having broken the last treaty, when the new boundary was agreed to by them.

Feeling my inadequacy to so difficult a task as that of pointing out the means of terminating evils that have existed during so considerable a period, I enter on this part of my report with the utmost diffidence. Anxious, however, to appear as far as possible deserving of the confidence which your Excellency has reposed in me, I have used every endeavour to discover the mode of effecting a purpose so desirable, and, hoping for indulgence, I shall attempt to state the result of my investigation and reflections.

I am inclined to think that no measures can put an end to the depredations of the Bosjesmen except such as are directed to the root of the evil ; and that before any reliance can be placed on them, a change must be effected in their habits and manners, which can only be the work of time, aided by the zealous and indefatigable exertions of some intelligent individuals, supported and encouraged by the bounty and guardian care of a beneficent government.

It would be worthy the greatness of the British empire to rescue this unfortunate race from the deplorable state of barbarism to which they have been so long condemned. The late Earl of Macartney seemed sensible of the glory attached to such an undertaking, and shortly after his arrival in the Colony enacted the humane regulations which I had the honour to receive with your Excellency's instructions. It may be deemed presumptuous in me to differ from a person of his eminent ability, yet I cannot help thinking that his Lordship's plan for the civilization and pacification of the Bosjesmen nation must have been formed on a total misconception of the character of that people. It was not to be expected that such multitudes of savages of the fiercest disposition, dispersed through such a vast extent of country, in no part of which they have a settled residence, and from which they plunder their neighbours in every direction, without the idea of any law, divine or human, without any connection among themselves, except such as arises from the ties of parental or conjugal affection, and even without the least knowledge of the manner of cultivating corn, or rearing cattle, should at once become tractable, abandon their roving and predatory mode of life, allow themselves to be confined between the Zak River and the Kree Mountain, acquire a knowledge of the art of agriculture or the precautions for preserving and increasing herds and flocks, feel all the advantages of permanent

establishments and social intercourse, and consider themselves under the protection and authority of the British government.

Of the numerous missionaries who have exercised their divine calling in Southern Africa, few have gained the reward which their devotion to so sacred a cause entitled them to expect. For this failure many reasons have been assigned; but it is more to my purpose, as well as more pleasing, to direct my inquiries to those whose labours have been crowned with success. The institution of the Moravians, at Grace Dale, or Baviaans' Kloof, within the colony, first offers itself to my attention. As I hoped that by seeing it I should be greatly assisted in forming a judgment on the subject of my instructions, I called there on my return to Cape Town, and received from the worthy men who direct the mission all the information I could desire. It seems that an attempt was made by the same society to establish it, in the year 1736; but the person then at the head of it having been obliged to return to Europe, and the Dutch East India Company having objected to its continuance, the design was relinquished. Permission to establish it having been obtained in 1792, three of the missionaries now there arrived at the place, where they found no mark of the labours of their predecessor except a pear tree, now in the centre of their garden. They had to clear the land, to erect buildings, and to collect inhabitants. A small Hottentot kraal happened to be placed in the neighbourhood, which served as the foundation of their village. The news of their arrival having spread through the colony, Hottentots flocked to them from the most distant parts of it, although much discouraged by their masters. Each family had a piece of land allotted to it, sufficient for a house and garden. A few of them have been instructed in the art of making knives, in which they acquired a considerable degree of perfection. The others find sufficient employment among the farmers, to enable them if industrious, with the productions of their little gardens, to live very comfortably; some keep their houses and persons very neat and clean, while it must be confessed that others do not appear to have made much progress in that respect; and indeed the missionaries say that they experience great difficulty in teaching them to vanquish their natural indolence and want of cleanliness. The precepts of the brethren are inculcated in the mildest manner. The severest punishment they inflict is debarring the culprit from appearing during a certain time at church, where service is per-

formed repeatedly every day, and which their disciples have great pleasure in attending, particularly on Sundays. They do not seem less anxious to render them useful in this life than to direct their attention to a life hereafter. In order to be baptized, the wish must first be expressed by the candidate, and he is not admitted to the communion until a considerable time afterwards. The number of Hottentots at Grace Dale is about eight hundred, of whom nearly three-fourths are Christians. They were formerly more numerous, but nearly a hundred men, most of whom had families, were recruited from thence for the Cape Regiment.

Although great praise is due to men who have done so much for the cause of Christianity and humanity, yet it must be allowed that the difficulty the Hernhuters had to overcome were not equal to those that were encountered by the missionaries who fixed themselves in the midst of savages that had not the most distant idea of civilization. It is said that Mr. Anderson, an English missionary, has collected in the course of five years several hundred families from the different nations by which he is surrounded, at a place situated about two days' journey beyond the Orange River. Each family has its house and garden, and the greatest regularity and industry are said to prevail among them. I have not been able to collect much information upon the steps by which he has made so rapid a progress, which I regret extremely, as I conceive it might be particularly adapted to the subject of my report.

The good effects arising from these two establishments afford a just ground to hope that an application of the same means to the present purpose would produce consequences equally beneficial; but if the efforts of a few individuals left entirely to their own guidance have been so advantageous, what might not be expected from the exertions of those who should know that they are constantly observed by a watchful government. Without intending in the least degree to question the divine motives by which the missionaries are actuated, it may be reasonably presumed that the consideration of human rewards and punishments must greatly tend to influence their conduct, and act as an additional spur to their industry.

The northern boundary of the colony seems to admit of three divisions. In the first may be included Kamies Berg, Under Bokkeveld, the Hantam, and the Roggevelds; in the second, Nieuw-

veld and the Koup ; in the third, Rhinoceros Berg, Sneeuwberg, and Tarka. In each of these divisions I think there should be such an establishment. Two or three missionaries at each station, superintended by a couple of the most respectable and intelligent inhabitants of the division, might answer the purposes of direction and instruction. It would, perhaps, be proper that the landdrosts should be directed occasionally to inspect and report upon the state of the institutions at the first and last places ; but the second, placed between the two districts, should be independent of both, although subject, as well as the others, to an annual visit from the seat of government. This plan would, I think, create a degree of emulation in the several establishments that would produce the happiest results.

The appointment of superintendents for the missions is a matter of great consequence. The Bosjesmen are well acquainted with the individual character of the farmers in their neighbourhood, of whom such only should be selected as they fear, respect, and confide in. Those who appeared to me best qualified for the purpose in the districts through which I have travelled, are Mr. Jacob Louw, the elder, of Under Bokkeveld, and Mr. Jacobus Nel, of Under Roggeveld. They are both conveniently situated to superintend the western mission. The former might make arrangements for collecting a proportion of sheep and cattle to be supplied for the use of their mission, by the inhabitants of Kamies Berg, Under Bokkeveld, and the Hantam ; the latter that of the Roggevelds ; a subject that I shall shortly observe on more fully. I beg leave also to mention, that I have heard of a farmer named Klerk, an inhabitant of the Koup, whose family employ a great number of Bosjesmen in their service. He might, perhaps, be a fit person to act as a superintendent of the central mission, for which, I should imagine, a second might easily be procured, as well as two more for the eastern mission. Greater attention should, if possible, be directed to the selection of missionaries and superintendents for the middle institution than the others, not being under the inspection of a landdrost.

I have already mentioned several friendly kraals situated near that part of the country which I have visited, and I have been told that others are to be found on the borders of the Koup, and of Sneeuwberg, where they frequently engage in the service of the farmers. I should hope they might be induced to join the

establishments, of which they would serve as the foundation. Their captains should be permitted to retain their rank, and be allowed some trifling pay, which might be procured by placing them on the strength of the Cape Regiment.

The expence of cattle and sheep would be cheerfully defrayed by the farmers of the districts on the borders, who would rejoice at any plan tending to rid them of the depredations of the Bosjesmen, and procure them servants. The subscriptions might be settled, as already observed, by the superintendents, according to the stock of each farmer, and for that purpose they should be invested with the necessary authority. By proper regulations these institutions might be enabled hereafter to support themselves, but I see no mode of raising the sums necessary to establish them, unless they are supplied by government or the societies to which the missionaries belong. However willing the Hernhuters might be to contribute their personal exertions, I think they would be averse to incur any pecuniary responsibility in this undertaking, as it was not without considerable hesitation they commenced the institution at Groene Kloof; owing, I believe, to the difficulty of communicating with Germany, in consequence of the war, which they fear also may have rendered their constituents less able to afford the means of support.

When the means of commencing these institutions are provided, there should be at each mission a depot of such things as the Bosjesmen may wish for, which should be given to them only in exchange for skins, mats, ostrich feathers, ivory, or other articles, among which may be mentioned some curious stones that are found at the Orange River. Ostrich eggs should never be purchased, in order to encourage the increase of those birds. This commerce would not only serve to give the Bosjesmen employment in their own country, but also to familiarize them with the missions, which they would thereby be more inclined to join. It would assist to defray the expences of the institutions, an object that would also be greatly promoted by instructing the rising generation in mechanical arts, as the farmers also might then be supplied with many things that they must now procure with considerable inconvenience from Cape Town. This has been too little attended to at Grace Dale, and is the principal cause of the great expence of that establishment, which according to its present plan can never support itself, having no revenue except 3 or 400 dollars annually,

produced by the knife manufactory. The most economical mode of procuring tradesmen would be to get them from the army. They would also serve to maintain the police of the missions, and to defend them against the hostile Bosjesmen, and would consequently be employed in the line of their duty. If they conduct themselves satisfactorily, on their regiments being ordered from the colony they should be transferred to others, which might give substitutes for them. Married men would be preferable, as their wives might be useful in instructing the girls in needlework, housekeeping, and other occupations.

As the population of the missions increases, the superfluous inhabitants might be gradually introduced into the colony, where their labour is much wanted, particularly in the grazing districts, in which the difficulty of procuring Hottentots, who are there preferred to slaves, is very great. Their introduction would be promoted by the humane manner in which the farmers treat their servants, at least in the districts that I have visited, where they are paid by a determined quantity of clothes, by food for themselves and families, and a certain number of sheep and cattle annually. This observation may appear extraordinary to those who have been led to entertain opinions of a contrary nature on this subject, opinions that the writings of the celebrated traveller, already alluded to, have served, more than the demerits of the farmers, to produce. I conceive that gentleman justly entitled to the esteem and gratitude of the public for many just observations and valuable communications concerning Southern Africa, but in almost every thing that respects the farmers, and particularly in what relates to the manner in which they treat their servants, I think he has shown the most unjustifiable prejudice, as I invariably observed them behave in the kindest manner to the Hottentots, who show them an attachment that was strongly marked by some circumstances that occurred on my late journey, an attachment not a little extraordinary, as in the service of the farmers on the borders of the colony they are exposed to suffer, not only the severest hardships from excessive fatigue and inclemency of weather, but also the most imminent dangers from the Bosjesmen and beasts of prey.

The practice of subscribing sheep and cattle for the Bosjesmen, except for those belonging to the missions, should be put an end to. It tends to make them suppose that the colonists fear them; and

besides, it would be impossible to supply all their nation with a sufficient number for its consumption, even were they careful of them, which they are not ; and by giving them to those on the borders, such as are more distant are induced to come nearer, and consequently increase the evil.

I think the Bosjesmen should not be allowed to have any communication with the colony, except through the missions. The farmers are naturally averse to their visits, as they frequently come merely for the purpose of discovering where they can rob with the greatest facility ; and, at all events, it is a tax which falls on those who are least able to support it ; their poverty forcing them to settle in the remotest parts of the colony.

In return for the sheep and cattle supplied to the missions, I think the farmers should be furnished with an increased allowance of ammunition at the price paid by government. The expenditure of powder is very considerable in that part of the country, occasioned by the necessity of arming the shepherds in all weathers, to be prepared against the attacks of Bosjesmen and lions, and of placing trap guns for beasts of prey, &c. It might also, perhaps, be advisable to supply each farmer with the means of sending up rockets in the event of night attacks from the Bosjesmen, as a signal for their neighbours to repair to their assistance.

There should be some regulations made as to the manner of repelling the attacks of the Bosjesmen. I think that when the habitations of the farmers are attacked, or their cattle stolen by them, they might be permitted to follow them as far as the borders of the colony, and put the robbers to immediate death. But they should not be allowed to proceed further without a reference to authority, which might be vested in the superintendents of missions, one of whom should take charge of such parties, and be held responsible for bringing all those to punishment who should do any injury to any person whatever, except to the men of the kraal where the cattle may be found. But this is a point of considerable delicacy, and requires the coolest deliberation. It appears to me, however, that no measures can be successful in putting an end to the depredations of the Bosjesmen, unless that people are convinced that the farmers possess the power of repelling their attacks, and that the government is as much determined to punish those who conduct themselves improperly, as to protect those who are peaceable.

The obstacles that exist within the colony to the establishment of the missions being surmounted, a communication should be effected with the different Bosjesmen kraals, to whom the nature of these institutions should be announced, as well as the regulations it may be thought advisable to adopt respecting their intercourse with the colony. Interpreters may be easily procured among the farmers and their servants, in Roggeveld particularly, where the families of the Fishers and the Coetzees speak their language, and are personally acquainted with a great number of them. The number of kraals is not known to the colonists, and probably not even to themselves. They have no intercourse with each other, except when they happen to meet at a fountain, which, as well as game, is often the subject of bloody contentions among them. It would, therefore, be in vain to expect any general responsibility from that people; but although this disunion and want of reciprocal dependance may prevent any permanent peace with them, it is certainly a very fortunate circumstance for the colonists on the borders, when at war with them, as they could not possibly resist the efforts of such multitudes, if united and ably directed against them. Of the hostile kraals situated near the Karee Mountain, that commanded by Goodard is represented to be the most numerous and most formidable. It was with him that a peace was concluded a few years since at the Zak River, by the landdrost of Tulbagh, which was broken by the people of that chief before the landdrost had time to reach his drostdy. His son having been killed last year in one of his attacks on the farmers, that event is said to have rendered him more cautious, and to have induced him to express a wish lately to Mr. Edwards, a missionary with the Boshuanas (who saw him on his way from the Orange River to Cape Town) to make peace with the colony. There are three more hostile kraals in that neighbourhood, one commanded by Moses, another by three chiefs named Rouland, Abraham, and Cobus, and the third by Schneiachshen. The last has done the most injury, having, among other atrocious acts, perpetrated the horrid and wanton murders committed on the persons of three women and five children last year, at the house of Christiaan Bras, a man who, although extremely poor, is stated to have invariably received with kindness all Bosjesmen who have come to him in a friendly manner, and who was then at the Fish River, at the distance of a day's journey from his habitation, with his male servants and cattle.

I shall now beg leave to conclude this report, which I fear may have been extended to a length that has unnecessarily trespassed on your Excellency's time and patience. I do not flatter myself that I have pointed out the best measures that can be adopted for obtaining the object which your Excellency has in view, but I shall consider my time well employed if I have had the good fortune to offer any suggestion that may be found conducive to a purpose so essentially calculated to promote the interests of humanity, the prosperity of the colony, and the honour and advantage of the British nation.

I have the honor to be, my Lord,

Your Excellency's most obedient humble servant,

(Signed) R. COLLINS.

His Excellency the Right Honorable EARL OF CALEDON.

[Copy.]

Government Advertisement.

Notice is hereby given, that his Excellency the Governor and Commander-in-chief has been pleased to appoint F. W. Fagel, Esq. as sole vendue-master in Cape Town and its districts.

Castle of Good Hope, 1st June, 1808.

By command of his Excellency the Governor,

(Signed) C. BIRD, Act^g Co¹ Sec.

[Copy.]

Regulations and Instructions for the Vendue Master in the District of the Cape.

1st. The vendue-master, after he shall have taken the oaths prescribed for the civil servants of this government, shall be called upon to give security in the sum of Rds. 20,000 (to be approved of by his Excellency the Governor) for the faithful discharge of the duties of his office.

2d. The vendue-master shall be accountable for the amount of

all moveables or immoveables sold by him, and shall be bound to make his payments for the sales in Cape Town or its environs within three months after the day on which each sale was held, and within six months in the remaining part of the district.

3d. The vendue-master is to be responsible that the sworn vendue-clerks keep an accurate account of the duties on all sales, which account, together with the original vendue rolls, is to be delivered to the auditor of public accounts at the end of each month to be by him examined, after which certified copies of the aforesaid rolls are to remain deposited at the auditor's office as a public record.

4th. The vendue-master is to charge 5 per cent on the amount of the sale of all moveables, and $2\frac{1}{2}$ per cent on the amount of the sale of all immoveables; out of which, $3\frac{1}{2}$ per cent on moveables, and $1\frac{3}{4}$ per cent on immoveables, is to be paid, at the expiration of every month (as it becomes due), into the colonial treasury, after the account thereof shall have been duly examined, as expressed in the foregoing article.

5th. The vendue-master is to keep a separate account of all moveables exposed for sale, and bought in by or on account of the owner or proprietor thereof, on all which one half the usual duties are to be levied.

6th. The vendue-master is to be solely responsible for the conduct of the auctioneers; no instructions therefore are given to him respecting the terms upon which they are to be employed, or the nature of the security the vendue-master may think it necessary to demand of them.

7th. Regular vendue accounts shall be made out upon stamps, according to the tariff of the 24th December 1807; and the vendue-master is to be responsible that such other stamps are used in the transactions arising from sales as are by law prescribed.

8th. Neither the vendue-master or his deputy, nor the sworn vendue clerks or the auctioneers, shall purchase or cause to be purchased any goods whatever at the auctions held by them, on penalty of forfeiture of their situations.

9th. No immoveable goods are to be put up for sale by auction, unless they are free from all claims or incumbrances, or that such claims or incumbrances are distinctly specified in the conditions of sale, the vendue-master being responsible for all losses that may

result from any inattention to this article; but in cases where doubt may arise, it will be sufficient for the vendue-master to explain fully in the conditions of sale the cause for doubt that exists in each particular instance, when any loss that may occur will of course fall upon the purchasers.

10th. To secure the vendue-master from loss by bad debts, he has, firstly, a legal or tacit hypothetical claim upon the property sold by him by auction, if found in possession of the purchaser within six months after the date of the purchase: secondly, he has preference in that period to all general obligations, whether secretarial or notarial deeds; but special obligations, whether by secretarial or notarial deeds, if of an older date than the day of the sale at which the debt is incurred, shall remain preferable to the legal claim of the vendue-master; and, thirdly, he has the privilege of proceeding against the debtor by *paratá executio*, according to the existing laws on that head.

11th. The vendue-master is further entitled to all such privileges and protection as were granted to the vendue master of the Cape district at the time of that office having been instituted in this settlement in the year 1793.

Castle of Good Hope, June 1st, 1808.

By command of his Excellency the Governor.

(Signed) C. BIRD, Act^g Sec.

[Copy.]

Letter from ASSISTANT SECRETARY BIRD to the President and Members of the Lombard Bank.

SECRETARY'S OFFICE, 1st June 1808.

GENTLEMEN,—His Excellency the Governor and Commander-in-chief having, in consequence of representations made to him of the inadequacy of the funds of the Lombard Bank for the present exigencies of this settlement, thought proper to direct that a sum of Rds. 150,000 should be advanced to the directors in order to be issued to the public, together with such other sums as may be collected in the bank from its own resources, in small sums for short periods; I am directed to apprise you thereof, and to desire

that you will make the necessary application to this office for a warrant on the receiver-general for the amount.

It appearing to his Excellency that the fees charged upon loans at the Lombard Bank are too great for persons borrowing money for short periods in the manner which, under the existing circumstances, is esteemed most advantageous to the public, his Excellency has judged it expedient to issue certain additional and provisional regulations for the guidance of the directors (which are herewith transmitted to you), from which you will find that no fees whatever are to be charged upon sums issued for short terms in future; one consequence of this will be that the income of the persons employed in the bank, whose present emoluments are derived from a proportion of the fees hereto received, will be considerably reduced; to obviate which, his Excellency has determined that all fees and emoluments whatsoever received in the bank shall be paid into the public treasury, and his Excellency has fixed the salaries of the president and members of the bank as follows:—

President Rds. 2,000 per annum;
And three Members, each 1,600 ditto.

You will perceive that his Excellency has thought proper to direct that the management of the bank shall be conducted by a president and three members, (an addition to the establishment, which the increased labour appeared to call for); but it is also to be understood that the establishment of three members is merely intended as a temporary arrangement, which will cease upon the first vacancy, when the bank as formerly will be directed by a president and two members. With regard to the book-keeper and cashier, it appears that the emolument hitherto received by these officers has been far greater than is usually paid to persons filling similar situations, but the parties now holding them being old servants of the public, his Excellency is unwilling to reduce the income upon which they have hitherto depended; his Excellency, therefore, will continue to pay the book-keeper at the rate of Rds. 2,100 per annum, and the cashier at the rate of Rds. 1,750 per annum, so long as those situations shall be held by Mr. Maynier and Mr. Ackerfeldt; but upon either of those gentlemen vacating his situation, his Excellency will affix such salary to the successor as at the time may be deemed expedient and adequate to the

labour and responsibility of the post. The messenger of the office will be allowed Rds. 30 *per mensem* in lieu of the emoluments he at present enjoys. The above salaries will be paid by warrant on His Majesty's receiver-general, quarterly.

Upon all other matters I have to refer you to the regulations before alluded to; but I am to add that it is his Excellency's desire that no sums of money may be issued by the bank without his special approbation, and that it will therefore be necessary that each application, with the result of your inquiries relative thereto and observations thereon, should be submitted to his Excellency's consideration. I have &c.

(Signed) C. BIRD, Ass. Sec.

[Copy.]

Government Advertisement.

The committee appointed by the Proclamation of the 14th December 1807 for investigating the state of public credit, having terminated their sittings, and made their reports to the Governor and Commander in Chief, His Excellency has judged it expedient to issue to the directors of the Lombard Bank the sum of One Hundred and Fifty Thousand Rixdollars, as a loan from the public treasury, in order that the same may be advanced in small sums for short periods upon sufficient security, to such persons as, under the circumstances of the times, require pecuniary assistance, and His Excellency has thought fit to direct the members of the Loan Bank to guide themselves in future by the following additional and provisional instructions, the necessity whereof is suggested in the reports above alluded to:—

1st. The Loan Bank is in future to be under the direction of a permanent president and three members, assisted by a bookkeeper, cashier, and messenger.

2nd. The salaries of the president and members, as well as those of the bookkeeper, cashier, and messenger, are to be paid out of the Colonial Treasury, and are not to be drawn as formerly from a proportion of the income of the bank and from the amount of fees received in the office.

3rd. All fees therefore, of every description, are to be duly

accounted for to the public at each period of submitting the accounts of the bank to the inspection of the Auditor General.

4th. The accounts and books of the bank are to be closed on the 31st of December of each year, when, of course, the interest of outstanding capital becomes due, and is to be collected with the least possible delay; and the proceeds of such interest is to be paid by the directors of the bank to the Receiver General of His Majesty's revenues monthly as it is collected, together with the amount of fees received in the office.

5th. Previous however to any payment being made to the Receiver General, the account thereof is to be examined and certified to be correct by the Auditor General of public accounts.

6th. The capital of the Loan Bank having been absorbed by the practice of granting renewals in all cases; and it appearing that great inconvenience might be apprehended from breaking through the custom at the present moment, the president and members of the bank are empowered to continue the same upon due consideration of each case; but they are required to refuse the application where it is apparent that it will not be injurious to the party to pay in the principal sum for which he is indebted.

7th. Whenever application is made to the directors for a loan to be transferred upon the sale of the estate which was mortgaged to the bank by the original debtor, the same is not to be complied with, unless 20 per cent upon the principal sum is paid into the bank.

8th. The directors are required to call in 10 per cent per annum of all debts that have been outstanding above two years, due by the inhabitants of the Cape Town and its vicinity, which vicinity is to be marked by a line drawn from Riet Valley direct to Simon's Bay, comprehending all within the Salt River to Simon's Town inclusive; and from such persons as reside without these limits the directors are to call in 6 per cent per annum of such sums as have been outstanding as above specified; in either case, however, 6 months notice is to be given by the directors, but this regulation is not to interfere with the right which the directors have to call in the whole sum due to the bank, in such cases as circumstances may make it advisable.

9th. Such persons as have paid 20 per cent upon the transfer of a loan to them are not to be called upon for any further proportion within the first 2 years from the date of such transfer.

10th. The interest of all money, either already issued or to be issued from the bank, is to be 6 per cent, the legal interest of the Colony.

11th. The above regulations being calculated again to bring into activity a proportion of the capital at present absorbed, the directors of the bank (in order to keep in constant circulation the means entrusted to them, and to render as much aid to the public as possible under the existing circumstances) are to advance for the present no further sum on permanent mortgage, but are to confine the advances to loans for short periods of from 1 to 6 months, according to the circumstance of each case; and the directors are not to issue to any one person, or to any firm, more than Five Thousand Rixdollars.

12th. Nevertheless it is not the intention of such regulations to deviate from the original design of the bank, which at a future period will be directed to afford to the agriculturists and traders such relief as in justice can be granted to them, and under such a length of tenure as may enable them to prosecute their labours with increased effect.

13th. The directors are hereby empowered to accept of any sort of security, whether of moveables or immoveables, that may appear to them sufficient for the protection of the public; but the directors are not to advance any money on vendue rolls or extracts.

14th. As the benefit to arise from this mode of advancing money must greatly depend on the punctuality to be observed in the reimbursement, the directors are not to issue any sums without sufficient collateral personal security; and the persons who bind themselves as securities for others are to be aware that, by the nature of the obligation they will be required to enter into, in failure of prompt payment by the principal, they (as well as the principal) will be immediately liable by parata executio to the most summary mode of procedure against themselves.

15th. With regard to the security of deeds of mortgage passed in the Loan Bank, it is hereby declared that all such deeds as may be hereafter passed by virtue of these regulations shall be considered as legal mortgages from the date of the registry, and thus preferred to all other special bonds laid on the goods of the debtor subsequent to that period.

16th. The directors of the bank are not to charge any fees upon loans issued for short periods of six months or under, but the

obligations are to be made out on a stamp of Two Rds., and the fee for inregistration at the secretary's office is to be continued.

17th. All applications for loans are to be made to the president and members of the bank by letter, in which the sum required, and the time for which it is wanted, are to be stated, together with the nature of the security proposed; and preference in the issues is to be given to such as have not received prior aid from the bank.

18th. The directors of the Lombard Bank are to be guided by their former instructions in all cases which are not provided for by the present regulations.

Castle of Good Hope, 1st June 1808.

By command of His Excellency the Governor.

(Signed) C. BIRD, Acting Colonial Secretary.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 10th June 1808.

MY LORD,—Your Lordship's dispatches as far as No. 33 have been laid before the King and have been severally noticed and answered up to No. 30, dated the 4th of February. Your letter of this date particularly relates to the deficiency of clergymen in the Colony, and the necessity of adopting measures for educating the slaves in the principles of religion. Upon the former point I have applied to Mr. Werninck, who will write upon it to Holland; and as soon as he can procure proper clergymen, they will be sent out. With regard to the education of slaves and Hottentots in the principles and duties of Christianity, I shall be happy in promoting any plan that your Lordship shall be able to point out as likely to be attended with success. The great preparatory measure to this end is to persuade the upper classes of the Colony, not only of the duty which is enjoined them, but of the benefits which will result to them from the religious education of the classes dependant on their protection. And if they would seriously co-operate in any system for so laudable a purpose, I have no doubt the best effects might result from it; but as long as they conceive ignorance and barbarism essential to subordination, I fear your Lordship's efforts, however meritorious, will not be very successful.

Mr. Alexander has suggested to me that it may be possibly expedient to induce either Scotch or Irish Dissenting ministers to proceed to the Cape, and Mr. Werninck thinks they might be acceptable in the Colony. If I do not soon procure clergymen from Holland, I may be induced to make such an experiment.

I am preparing to send out to you a Government chaplain to whom you will be authorized to make allowances equivalent to those received by the garrison chaplain.

I have perused with attention the subject of your dispatch upon the Colonial Paper Currency, and your proposition for establishing a Bank of Discount; it does not appear to me prudent at present to make any material change in the arrangements of the Colonial currency. Certain inconveniences will always arise in regard to currency in those places where the exchange of commodities is unfavorable, which never can be completely remedied; and a Bank of Discount seems merely calculated for countries where mercantile speculations are numerous and allow the creation of fictitious capital.

It has been suggested that a doubt may arise in case Mr. Capel acts as Surrogate, in whom will the appointment of an advocate *ad interim* reside, and I therefore think it right to mention to your Lordship that the nomination is in the Lords of the Admiralty, or rather, I believe, according to practice, in the Judge of the Vice Admiralty Courts when abroad. I have, etc.

(Signed) CASTLEREAGH.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas His Majesty has been pleased to direct that a Court of Appeals for hearing and determining all criminal cases whatever, which are appealable from any and every of the Courts within this settlement, be forthwith established; that the said appellate jurisdiction be vested in the Governor for the time being and such assessor or assessors as he may from time to time be pleased to appoint; and that the sentences pronounced by such Court be final, continuing to the said Governor the right of pardon and of respite as it now exists: It is hereby declared and made known that the said Court is now open, and that all persons may henceforth bring

and prosecute appeals in criminal cases in and before the said Court, subject to such orders as may from time to time be made by the said Court, and provided that every such appeal be entered within five days from the date of pronouncing the sentence or sentences thereby complained of. And it is further declared and made known that the sentences given and pronounced by the said Court hereby established will be final, reserving however, and continuing to the said Governor, the sole right of pardon and of respite as it now exists.

Given under my hand and seal at the Castle of Good Hope, the 10th day of June, 1808.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 25th of June 1808.

MY LORD,—Several respectable inhabitants, and amongst others Mr. Van de Graaff, the Landdrost of Tulbagh, having loudly complained of the incursions of the Bosjesmen, and urged the necessity of a commando or hostile expedition against them, I felt it desirable to obtain accurate information respecting these people, not that any representation could have induced me to sanction an unqualified retaliation, but it was evident that some measures were necessary, and, without the report of a person in whose judgment reliance could be placed, I might be advancing upon false premises and defeat the purpose of proposed amendment.

The gentleman whom I selected as well qualified to procure the requisite intelligence was Major Collins of the 83rd Regt., who for that purpose repaired to the frontiers, and the points in particular to which I directed his attention were: the extent of the misunderstanding which prevails between the Boers and Bosjesmen, the probable cause or causes which occasion it, and the line of conduct he judged best suited to remedy the evil. He was likewise instructed, if possible, to hold communication with a kraal and to ascertain whether a late extension of the Colonial boundary by the Commissioner-General De Mist operated as a motive for recent depredations.

As the report which Major Collins has delivered to me embraces some points of considerable interest and meets my ideas of the subject generally, I beg to present it to your Lordship, and to add that since his return that part of the country has participated in the universal tranquillity which pervades the whole settlement.

I have, etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 25th of June 1808.

MY LORD,—I have been honor'd with Your Lordship's commands contained in dispatches from No. 11 to No. 15 inclusive, and also in that of the 29th of February last.

Agreeable to the directions in No. 11 Mr. Fagel has been placed in the office of Vendue Master upon the same footing upon which it was held before that appointment was laid open, neither Mr. Matthiessen or Mr. Zievogel have hitherto applied for remuneration, but if any well founded claim should be advanced, I shall bear in mind Your Lordship's liberal intentions.

In reply to those points in No. 12 upon which explanation is required, I am to state that all expences of the Cape Regt., whether extraordinary or otherwise, shall be defrayed from the Colonial Treasury, as this appears to be the purport of Your Lordship's directions, and I am happy to add that the rapid increase of Colonial Revenue will in all probability enable me to effect this measure without applying to His Majesty's Treasury for assistance.

Your Lordship desires to be informed of my reasons for regulating the fees of medical practitioners.

When the Dutch planted the Colony, a naval hospital formed part of the establishment, which was attended by their own surgeon and his assistants, in number it is presumed only sufficient for the care of the Company's servants. As population encreased and the Cape became a place of more general resort for shipping, an encrease of the faculty became in like proportion necessary, but it does not appear that such a measure was attended to, and the consequence was that many people without education and totally devoid of all

professional knowledge who, in several instances from the casualty of a stranded vessel, had permission to settle, undertook to practise physic, when profiting by the inexperience of the Colonists they procured in this manner the means of subsistence.

So great was the abuse and so general were the complaints that, after the Peace of Amiens, the principal medical committee in Holland endeavoured to introduce some salutary regulations, but no alteration took place until the issue of my proclamation, which had for its object what is there set forth. As Your Lordship's enquiry is founded upon the policy generally adopted as to the gain of professional men, I shall no farther occupy your time than to observe that, after having classed the different applicants each to act in that capacity alone for which he was qualified, the tariff of fees was subjoined for the guidance of the inhabitants, and Your Lordship will probably feel the necessity of such a measure when it is known that the sum of 2 skillings or 9 pence sterling was not uncommonly proferr'd and accepted of, whilst it may be well supposed that amongst the patients there was but little enquiry or a slight power of discriminating between the man of science and the barefaced empiric. Thus was it found necessary to draw the distinction, and for this purpose, not for the abridgement of their profits, has the measure been adopted.

The order for the personal appearance of the inhabitants of the Cape district to give in the register of their families, etc., is one which is usually issued every third or fourth year. The inhabitants of the country districts deliver annually upon oath before their Landdrost an opgaaf or stated account of their families and landed produce, but as this measure is attended with some inconvenience, those resident in Cape Town and district are not so frequently called upon, but when required to appear are always summoned by proclamation.

As a considerable portion of His Majesty's revenue arises from inland customs, it is expedient, principally upon this account, as well as from other causes, which must be sufficiently obvious, that the Government should have the most accurate information upon the points called for in the proclamation, and I am apprehensive that, unless the information was obtained in the manner prescribed, that the interest of the individuals would preclude the Government from procuring by other means a knowledge of its own resources.

My attention is next directed to agricultural considerations, and to the means of securing an internal supply of grain for the future. When I had the honor of addressing Your Lordship in my despatch of the 6th of Novr., 1807, No. 25, there was at that time an unusual drought, from which the country was shortly afterwards relieved, another cause likewise operated to produce the apprehension of a scarcity. The farmers from the uncertainty of a market in the preceding year had not cultivated the same proportion of land which they were accustomed to do when there was a less tho' more certain demand for its produce; but I have the particular satisfaction of acquainting Your Lordship that there is this year infinitely more land under tillage than has been the case at any former period, and unless the peculiar circumstances of a most unfavourable season or a vast influx of inhabitants, I may venture to affirm that no external assistance will be again required.

As an additional explanation to the present and the foregoing subject, I beg to subjoin a return of the population and the quantity and tenure of cultivated land within the Colony.

I have, etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 25th of June 1808.

MY LORD,—Messrs. Cloete, Reitz and Anderson, gentlemen who embarked in the whale fishery under sanction of Sir David Baird, have laid before me a memorial, setting forth that a quantity of oil, the produce of that fishery, had not upon its arrival in England been admitted to entry.

Of the two fisheries here, the one in Table Bay is conducted solely by an Englishman supported by British capital, the other in False-bay is conducted by a firm, partly English partly Dutch.

I have already had the honor of observing to your Lordship the deficiency of an export trade from this colony, and as it appears that oil, exported hence in the year 1802, was admissible, I beg your Lordship's recommendation for a similar indulgence in the

present instance ; submitting at the same time the memorial of Messrs. Cloete & Co. with its annexures, the merits of whose case must be decided upon at home. I have etc.

(Signed) CALEDON.

[Copy.]

Government Advertisement.

The committee which was appointed in consequence of the proclamation of the 15th May 1805 for examining and correcting the old debt registers of this colony prior to the formation of new registers, upon the plan suggested in the aforesaid proclamation, not having accomplished the end for which it was convened : It is His Excellency the Governor and Commander in Chief's order that Messrs. L. C. H. Strubberg and P. J. Truter, members of the Court of Justice, and Mr. W. J. Klerk, member of the orphan chamber, assisted by Mr. J. W. Stoll, shall assemble twice a week at the Secretary's office in the castle, beginning from the first week of the ensuing month of July, there to continue this very important work, until the new registers are brought into a complete and accurate state.

Castle of Good Hope, 28th June 1808.

By command of His Excellency the Governor.

(Signed) C. BIRD, Acting Colonial Secretary.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 1st July 1808.

MY LORD,—Upon the receipt of your Lordship's dispatch No. 13, respecting Sarah Batt, I transmitted it together with its enclosures to His Majesty's Fiscal, desiring him to report thereon.

I have now the honor to submit that report ; and as Mrs. Batt's memorial appears to have excited considerable interest, I shall (with permission) enter into detail and add a few observations upon the circumstances of the case.

The person in question, Sarah Bradbury, arrived in this colony

with Mrs. Murray, to whom she had hired herself in England, not merely for the purpose of attending her upon the passage, but under the stipulation that she should continue in her service for three or four years, if Mrs. Murray should remain so long abroad. There was no written security for this agreement nor is the fact in itself material, but the circumstance is in the recollection of persons still in Mr. Murray's family.

On the morning of the 6th of June 1807 she abruptly left the house of Mr. Murray, without asking permission, or assigning any cause of discontent, and secreting her intention even from her fellow-servants, much less with the consent of her mistress, went to the house of Thomas Batt to whom it is reported she was married on the following day.

To constitute a legal marriage by the colonial law it is necessary for the parties to appear in the matrimonial court there to answer satisfactorily such interrogatories as may be put to them; the banns are then published upon three successive Sundays, and, if the Governor's consent is obtained, the service is performed.

Of these three points but one was attended to, that of appearing before the Commissioners; no banns were published, no consent was demanded, and that any clergyman performed the ceremony under such circumstances I should presume could not be the fact.

Notwithstanding the manner in which Sarah Bradbury had abandoned the service of Mrs. Murray, yet in the first instance entreaty was used to bring her to a sense of propriety, the slightest concession would have been accepted, and the situation of Mrs. Murray's health, who was at this time in a state of pregnancy, rendered her absence particularly severe, as no person could be found fit to replace her.

Shortly after her confinement Mrs. Murray died, and no doubt during her illness experienced inconveniences which would not have occurred had this servant fulfilled the duties which she had undertaken to perform.

After waiting patiently, but in vain, from the 6th June to the middle of August, in expectation of a returning sense of duty, Mr. Murray felt it what he owed both to his own family and to society not to submit to such ingratitude and injury by relinquishing his claim to legal redress, and therefore applied to His Majesty's Fiscal.

The Fiscal, with his usual lenity, in more than one conversation

pointed out to Sarah Bradbury the consequences which would result from her determination of resisting Mr. Murray's application, but the representation was ineffectual, and it then remained either to put in force the law, to which she had rendered herself amenable, or to suffer such a transgression of it as would be attended with pernicious effect; not only is Mrs. Batt's case clearly provided for in the proclamation of Governor Janssens, which is attached to the Fiscal's report; but, according to the ordinary routine of the police regulations, she could not have remained at large without a passport, and from the general tenor of her behaviour she certainly did not appear to me deserving such an indulgence.

Upon my arrival here the great and universal inconvenience was represented to me which the British inhabitants suffered from the conduct of those servants whom they had brought with them into the colony, Sarah Bradbury's case was looked upon as one of common interest; and, had she established the independence which she assumed, the precedent would very generally have been adopted, and some settlers, after the heavy expence and trouble of bringing out servants, would have had the vexation of being left without a single attendant.

In my own family I experienced, in common with others, an hauteur and bad treatment from my servants which would probably not have been offered, and certainly not have been submitted to in England; nor has Genl. Grey been more fortunate. The cause is obvious, European servants, in a country where they cannot be immediately replaced, assume a consequence ill becoming a state of service, soon accustomed to domineer over slaves, they become impatient of control, claim a free agency which the law of the land does not allow to them and which, were it otherwise, would set at large upon the colony a description of people of all others the most troublesome and useless.

I trust, my Lord, by a recital of the above facts, connected with the report of His Majesty's Fiscal, that the misrepresentations contained in Sarah Batt's memorial will be sufficiently manifest, and under the forcible impression of the expedience and justice which dictated the measures adopted in her case, I am to pray your Lordship's recommendation to the Lords of the Committee of the Privy Council that their Lordships may be pleased to reject the prayer of the petitioner, and I doubt not that their Lordships, in

deciding upon the merits of what is set forth, will bear in recollection that, if the laws of residence are not strictly adhered to, the Cape from its geographical position would become a resting place for outcast and dissolute adventurers. I have etc.

(Signed) CALEDON.

P.S. Thomas Batt, who is represented to the Lords of the Committee of Privy Council as a respectable merchant settled at the Cape, was in the year 1806 a sailor on board the *Diomede*, man of war, and attended the ward room as waiter. Being discharged from His Majesty's service, he got a provisional passport, on the 8th of April in the same year, to remain in the colony, and then set up a small retail shop in Cape Town.

[Original.]

Letter from CAPTAIN ROWLEY to the HONOURABLE WILLIAM WELLESLEY POLE.

Raisonable, SIMON'S BAY, 2nd July 1808.

SIR,—I have to acquaint you for the information of their Lordships that I have placed the transports and victuallers as per

MARGIN under the convoy of Captain Hughes of the *Cormorant*, with directions to proceed to England calling at St. Helena for any trade that may wish to avail themselves of his protection; in addition to the four transports of which in my letter of 23rd May I apprized their Lordships of my intention of sending home under convoy of the *Cormorant*, *Albion*.

are the three victuallers which have remained here for some time past laden with provisions for the use of the Army, and which at the request of the Commander of the Forces I ordered to Table Bay when they delivered their cargoes, and on board of them are embarked 72 Army invalids and 15 Spanish prisoners.

The squadron under the orders of Captain Woolcombe of the *Laurel* have returned from their cruise off the Isle of France, the *Harrier* on the 25th May, *Laurel* on the 27th, and *Grampus* on the 4th June, having parted company on their passage from Madagascar, where they put in for refreshments and water. They

made only one capture during their cruize (as formerly reported) on the 23rd March, the last day of reconnoitering the harbour of Port Louis, they report seeing a frigate refitting which had lately arrived (it was supposed) from Europe.

The *Laurel*, *Grampus*, and *Harrier* stand in need of much repairs, particularly the *Grampus*, of whose defects I beg leave to inclose the report of the master shipwright. It is necessary she should proceed either to Europe or the East Indies to be docked, before she can be in readiness for sea, a higher authority than mine will probably have to decide which is the most eligible.

By the report of Lieutenant Street commanding the *Stauneh* gun brig the entrance of the harbour of the Knysna is not practicable except by boats, he has therefore proceeded to Plettenberg's Bay where he is employed loading the *Flora* transport with timber for the use of the Naval Yard. I expect their return very shortly.

I herewith beg leave to transmit the disposition of the squadron, also an abstract of their state and condition, and have the honor etc.

(Signed) Jos. ROWLEY.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 5th July 1808.

MY LORD,—Adverting to your request contained in your Lordship's letter of the 4th February last, I have appointed the Reverend William Gebhart, a Minister of the Dutch Reformed Church, to fill one of the church livings at the Cape of Good Hope which you have reported to be vacant, and he will take his passage as early in the spring as circumstances will enable him.

I have etc.

(Signed) CASTLEREAGH.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint a Committee, consisting of the following gentlemen, with power to put up to auction, and farm out to the highest bidder, the wine, brandy and foreign liquor licences for the ensuing twelve months, commencing from the first of September.

The particulars of the Contracts, which differ considerably from those of last year, and are more advantageous to the Farmer, particularly in the district of Stellenbosch, may be seen both at the Colonial Secretary's and at the Fiscal's Offices.

Names of the Committee:—

W. S. Van Ryneveld Esqr., His Majesty's Fiscal,

P. L. Cloete Esqr., Receiver General,

C. Brand Esqr., Collector of Tythes, and

J. P. Baumgardt Esqr., Receiver General of Land Revenue.

The auction will be at the Burgher Senate House, on Monday the 15th August next, at 9 o'clock in the forenoon.

Castle of Good Hope, 29 July 1808.

By Command of His Excellency the Governor.

(Signed) C. BIRD.

[Copy.]

Letter from ACTING SECRETARY BIRD to the President and Members of the Lombard Bank.

SECRETARY'S OFFICE, July 30th, 1808.

SIR,—I am directed by the Governor to transmit to you the enclosed draft of an advertisement which his Excellency proposes to have issued from the Lombard Bank, notifying that the directors are authorized to open accounts with all persons depositing sums of Rds. 1,000 or upwards in charge of the bank, upon certain conditions, which are sufficiently expressed in the drafts alluded to; and also that the directors are empowered to discount the vendue extracts at legal interest for the period such extracts have to run.

It is his Excellency's desire that you may be pleased to bring

this plan before the board of directors, in order to consult with them upon the arrangements which will be necessary to introduce into the bank previous to publishing the same.

The advantages which will accrue to the public from the proposed plan are sufficiently obvious; care only appears to be required that government suffer no loss by the mode to be adopted for discounting vendue extracts. These accounts become payable three months in Cape Town and six months in the district after the sales have taken place; but as it is possible that the cash due will not be forthcoming punctually, it appears fair that an additional month's interest be charged to the parties to cover the loss which would otherwise fall upon Government. I have &c.

(Signed) C. BIRD, Act^g Co^l Secretary.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, August 5th 1808.

MY LORD,—As the conveyance by which I write is so precarious, I merely do myself the honor of acquainting your Lordship that nothing of particular moment has occurred since I had last the honor of addressing you.

Vice Admiral Bertie arrived here in the *Leopard* man of war on the 1st instant, when he assumed the command in chief of His Majesty's Squadron in these seas. I beg to state that no dispatches were received from your Lordship by the *Leopard*. I have &c.

(Signed) CALEDON.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint Wilhelm Buissinne Esq. Political Commissioner for Church Affairs in this Settlement, in the room of J. I. Rhenius Esqre. deceased.

Castle of Good Hope, 9th August 1808.

By command of His Excellency the Governor.

(Signed) C. BIRD, Acting Colonial Secretary.

[Copy.]

Advertisement.

LOMBARD BANK, CASTLE OF GOOD HOPE, 12th August 1808.

His Excellency the Governor and Commander-in-chief having been pleased to notify to the directors of the Lombard Bank his intention of increasing the fund already placed in their hands for the purpose of discounts ;

It is hereby notified to the public that on Monday the 22d instant vendue rolls will be received and discounted at the rate of six per cent interest ; it will be necessary, however, that the extracts be endorsed by the vendue-master, certifying that no sum has been advanced by him on account to the holders thereof.

The directors further inform the public that his Excellency having taken into his consideration the necessity of forming a bank of deposit, as a place of security to all who may wish to entrust sums of money to the care of the directors of the Lombard bank, all sums exceeding Rds. 1,000 will be received, and a running account opened with the parties ; all checks for part or the whole to be payable on demand. Persons desirous of vesting their money for twelve months certain, and notifying the same, will receive five per cent interest.

(Signed) F. DASHWOOD, President.

A. V. BERGH,
C. NELSON,
A. G. VAN KERVEL, } Directors.

[Original.]

Letter from REAR ADMIRAL BERTIE to the HONOURABLE WILLIAM WELLESLEY POLE.

Leopard, SIMON'S BAY, 16th August 1808.

SIR,—Being in daily expectation of the arrival of the transports with the troops that were to touch at the Brazils, there is every probability that their Lordships may receive communications from me by those which return, prior to the receipt of this, as the vessel by which it is sent is to touch at St. Helena to compleat her cargo there. I shall therefore only notice my arrival here on

the 2nd instant, and a detail which I shall forward by the same conveyance respecting the East India ships under my convoy. Of the ships on this station, the *Seepre* is returned to England, and the *Cormorant*. The *Hermes* is gone to the West Indies by order from Rear Admiral Stirling.

The *Nereide* (which ship is supposed to have lost her false keel) is now on her passage to Bombay to be docked by order of Captain Rowley. The *Grampus* the builder reports it is absolutely necessary should be sent to England, she is now in port, being considered unfit to cruize. The *Sylvia* (cutter) was sent on to Madeira when we were two days sail from it to expedite the business of the India ships there; I have not seen her since she parted company, but am in hopes she has touched at the Brazils for water.

Two very fine frigates *La Manehe* and *La Caroline*, are arrived at the Isle of France from Europe, *La Cannonière* has lately sent some prizes in there, but I have not yet learnt what they are.

Being desirous their Lordships should be apprized of these events, and considering they may under the circumstances I have stated see fit to send me a reinforcement, I have availed myself of this opportunity as offering at least a chance of its reaching them before any other from this quarter. I have etc.

(Signed) A. BERTIE.

P.S.—I understand the *Cannonière* has carried a convoy of three or four vessels from Lima to Peru, and is returned to Port Louis with specie, badly manned and sickly. The *Caroline* and *Manehe* are frigates of the largest class, and having on board each five hundred men.

[Copy.]

Government Advertisement.

Notice is hereby given that forty-six blacks forfeited to His Majesty by sentence of the Worshipful Court of Justice will be apprenticed for 14 years, under such conditions and restrictions as may be known, by applying to His Majesty's Fiscal.

Castle of Good Hope, 8th September 1808.

By command of His Excellency the Governor.

(Signed) C. BIRD, Acting Colonial Secretary.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 9th September 1808.

MY LORD,—In compliance with the wish expressed in your Lordship's Dispatch No. 36 of the 3rd March last, I lost no time in referring to the reconsideration of the Lords Commissioners of His Majesty's Treasury the question relative to your Lordship's authority over the commissariat at the Cape of Good Hope, upon which you entertained an opinion that some further explanation was rendered necessary by an instruction of the Lords of the Treasury communicated to you by Mr. Harrison in his letter of the 2nd December 1807.

By the enclosed report of the Comptrollers of Army Accounts, a copy of which has been communicated to me for the purpose of being forwarded to your Lordship and in which the Lords Commissioners of His Majesty's Treasury have signified their concurrence, you will see that this question has again received ample consideration, and I trust you will be fully satisfied with the explanation there given that the control exercised by the Earl of Macartney when Governor of the Cape is now rendered unnecessary by the regulations which it has been since that period judged expedient to establish in all the Colonial Governments for the guidance of the commissariat, and that as the responsibility will rest with the Commanding Officer and the Commissary exclusively it is of necessity that the controul should be placed in the hands of the former of those officers, and your Lordship will of course afford such information and assistance for the furtherance of the public service as you shall judge most conducive to that end.

I have etc.

(Signed) CASTLEREAGH.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas it has been represented to me that in the evening of Sunday the 11th instant the house of Mr. Gall, in Waal Street, was entered into with intent to plunder the same, by some

unknown persons, and that a man slave who had charge thereof was barbarously murdered.

Now for the better apprehending and bringing to justice the person or persons concerned in the above atrocious crime, I do hereby promise a full pardon to any of them, except the person or persons who actually committed the aforesaid murder, who shall discover his or their accomplice or accomplices, so that he, or they, may be apprehended and convicted thereof.

And as further encouragement, I do hereby offer a reward of five hundred Rix dollars to any person or persons aforesaid, except as is before excepted, together with freedom to a slave, should the information be given to His Majesty's Fiscal by such.

And in order to give the fullest publicity to this my intention, besides the usual means of making the same known, I do hereby direct each and every Wardmaster of this town to appoint and assemble one slave from every house in the respective wards, and to explain or cause to be explained to such slaves so assembled, in the Dutch and Portuguese languages, the full meaning of this proclamation, so that none may remain ignorant thereof. And I do further direct the respective Wardmasters to report to His Majesty's Fiscal their having complied with this instruction within 48 hours from the date hereof, as they shall answer for the contrary at their peril.

Given under my hand and seal at the Cape of Good Hope, this 13th day of September 1808.

(Signed) CALEDON.

[Copy.]

Order in Council.

At the Court of the Queen's Palace the 14th of September 1808.
Present the King's Most Excellent Majesty in Council.

Whereas there was this day laid before His Majesty at this Board the draught of a Commission (prepared by His Majesty's Advocate, Attorney and Solicitor General, and the Advocate of the Admiralty) for the trial of persons committing offences on the high seas within the limits of the settlement of the Cape of Good Hope in South Africa; His Majesty, having taken the said draught

of Commission into consideration, was pleased, by and with the advice of his Privy Council, to approve thereof, and to order, as it is hereby ordered, that the said draught of Commission (which is hereunto annexed) do pass, by immediate warrant, under the Great Seal of Great Britain. And the Right Honourable Viscount Castlereagh, one of His Majesty's principal Secretaries of State, is to prepare such warrant for His Majesty's royal signature.

(Signed) STEPH. COTTRELL.

[Copy.]

Commission for the Trial of Pirates.

George the Third by the grace of God of the Kingdom of Great Britain and Ireland King Defender of the Faith to our right trusty and well beloved cousin Dupré Earl of Caledon of that part of our United Kingdom called Ireland our Governor and Commander in Chief in and over our settlement of the Cape of Good Hope in South Africa extending from the Southern extremity of the Continent of Africa along the Western coast thereof as far as Cape Negro in the Atlantic Ocean and along the Eastern coast of the said Continent of Africa as far as Cape Corrientes in the Indian Sea and comprising all the territories situated within those limits and to our Governor and Commander in Chief of our said settlement for the time being To the Honorable Henry George Grey, a Major General of our Forces our Lieutenant Governor of our said settlement and to our Lieutenant Governor of our said settlement for the time being To Winchcombe Henry Hartley Esquire our Judge of our Court of Vice Admiralty at our said settlement and to our Judge of our Court of Vice Admiralty for the time being or to his Surrogate lawfully appointed for the time being To——our Secretary of the Colony at our said Settlement for the time being To——our Commander in Chief of our Naval Forces stationed at our said Settlement and to our Commander in Chief of our Naval Forces stationed at our said Settlement for the time being And to all other Admirals Vice Admirals Rear Admirals Captains and Commanders of our Ships who are or shall be within the jurisdiction of our Court of Vice Admiralty at our said Settlement and to every of them greeting Whereas by an Act of Parliament made

and passed in the 46th year of our Reign intituled "An Act for the more speedy trial of offences committed in distant parts upon the sea" It was enacted that all treasons piracies felonies robberies murders conspiracies and other offences of what nature or kind soever committed upon the Sea or in any Haven River Creek or place where the Admiral or Admirals have power authority or jurisdiction might be enquired of tried heard determined and adjudged according to the common course of the Laws of this our Realm used for offences committed upon the Land within this our Realm and not otherwise in any of our Islands Plantations Colonies Dominions Forts or Factories under and by virtue of our Commission or Commissions under the Great Seal of Great Britain to be directed to any such four or more discreet persons as our Chancellor of Great Britain Lord Keeper or Commissioners for the Custody of the Great Seal of Great Britain for the time being should from time to time think fit to appoint and that the said Commissioners so to be appointed or any three of them should have such and the like powers and authorities for the trial of all such murders treasons piracies felonies robberies conspiracies and other offences within any such Island Plantation Colony Dominion Fort or Factory as any Commissioners appointed or to be appointed according to the directions of a certain Statute made and passed in the 28th year of the Reign of His late Majesty King Henry the 8th intituled "For Pirates" by any Law or Laws now in force have or would have for the Trial of the said offences within this our Realm and that all persons convicted of any of the said offences so to be tried by virtue of any Commission to be made according to the directions of the said Act of the 46th year of our Reign should be subject and liable to and should suffer all such and the same penalties and forfeitures as by any Law or Laws now in force persons convicted of the same respectively would be subject and liable to in case the same had been respectively enquired of tried heard determined and adjudged within this our Realm by virtue of any Commission made according to the directions of the said Statute of the 28th year of the Reign of King Henry the 8th any Law Statute or usuage to the contrary notwithstanding as by the said first mentioned Statute it more fully is manifested and appears Know ye therefore that we confiding very much in your fidelity and careful circumspection have appointed you or any three of you (of which number our will and

pleasure is that our said Governor or Lieutenant Governor for the time being our said Judge of our said Court of Vice Admiralty for the time being or his Surrogate lawfully appointed or our said Secretary of the Colony for the time being always be one) our Commissioners to enquire upon the Oath of good and lawful Men of our said Settlement of the Cape of Good Hope and by other ways means and methods according to your best knowledge and ability as well within liberties as without whereby the truth of the matter may be the better known and enquired into concerning all Treasons Piracies Felonies Robberies Murders Conspiracies and other offences whatsoever and accessories thereto whomsoever and howsoever done and committed or hereafter to be done or committed upon the Sea or in any Haven River Creek or place where the Admiral or Admirals have power authority or jurisdiction and to hear and determine all such Crimes and offences according to the Laws and Customs of this our Realm and the statutes in that behalf made and provided as by the Laws and Statutes of this our Realm the same might or ought to be heard or determined within this our Realm by any Commissioners by us appointed or to be appointed according to the directions of the said Statute of the 28th year of the Reign of King Henry the 8th And therefore we command you that at certain times and places which you or three of you (whereof our said Governor or Lieutenant Governor for the time being our said Judge of our said Court of Vice Admiralty for the time being or his Surrogate lawfully appointed or our said Secretary of the Colony for the time being we will always to be one) shall prefix for this purpose you diligently make enquiry concerning the Premises that you hear and determine all and singular the same and do and perform in manner aforesaid all things to be done thereupon as appertaining to Justice according to the Laws and Customs of this our Realm and the Statutes in that behalf made and provided And we do by these presents command and our will and pleasure are that it be in our name strictly and firmly given in charge to the Provost Marshal or Deputy Provost Marshal of our said Settlement and others whom it may concern and to every of them as well within liberties as without that at certain times and places when and as often as need shall require which our Governor of our said Settlement of the Cape of Good Hope or his Lieutenant or Deputy for the time being shall make

known to them or either of them in form aforesaid they cause to come before you or three of you at the least (whereof our said Governor or Lieutenant Governor for the time being our said Judge of our said Court of Vice Admiralty for the time being or his Surrogate lawfully appointed or our said Secretary of the Colony for the time being always to be one) so many and such good and lawful Men of their Bailiwick as well within liberties as without by whom the truth of the matter concerning the Premises may be the better known or enquired into commanding moreover all Governors Justices Mayors Sheriffs Bailiffs Stewards Constables also the Keepers of Gaols and Prisons and all other officers and Ministers our faithful liege subjects whomsoever as well within liberties as without from time to time in the Execution of the Premises and every of them that they be helping favouring assisting and yielding obedience to you and every of you in all things as is fitting.

And lastly our will and pleasure is that these our Letters Patent or the Enrollment or Exemplification thereof shall be unto you our said Commissioners a full and sufficient Warrant and discharge for your acting and doing in the Premises notwithstanding any omission Imperfection Defect Matter Cause or Thing whatsoever to the contrary thereof in any wise notwithstanding. In Witness whereof we have Caused these our Letters to be made Patent Witness ourself at Westminster the day of in the 48th year of our Reign.

[Copy.]

Government Advertisement.

Notice is hereby given that Henry Alexander Esqr. is appointed Secretary and Registrar of the Records in the Settlement of the Cape of Good Hope.

Castle of Good Hope, 16th September 1808.

By Command of His Excellency the Governor.

(Signed) C. BIRD, Acting Colonial Secretary.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, *September 30th, 1808.*

MY LORD,—Together with the accounts of the Receiver General for the months of April, May, June, July, and August, I have the honor to transmit the several Proclamations and Government Advertisements issued between the 27th May to the 13th September 1808. I have &c.

(Signed) CALEDON.

[Original.]

*Letter from VICE ADMIRAL ALBEMARLE BERTIE to the
HONOURABLE WILLIAM WELLESLEY POLE.*

Grampus, SIMONS BAY, 30 September 1808.

SIR,—Their Lordships having directed me to pay particular attention to the representations made by the Navy Board, in their letter addressed to me of the 29th April last, relating to the supply of timber and equipment of the ships on the station of the Cape of Good Hope; and desiring me to state to them how far the resources of the Colony might supersede the necessity of sending out supplies from England of these articles, I have the honor to acquaint you, for the information of their Lordships, that on my arrival here I found that Captain Rowley, in consequence of instructions left by Rear Admiral Stirling, had detached the *Staunch* gun brig with the *Flora* transport for the purpose of procuring in the neighbourhood of Plettenberg Bay a cargo of plank and timber, which was much wanted in the naval yard, which service has been very ably executed under the direction of Lieut. Street who with the *Staunch* and *Flora* has joined me, and from the description of timber which the latter has brought (some logs of which I have sent to England in the *Abraham Newland* transport, under convoy of the *St. Fiorenzo*) it is clearly ascertained that wood of different sorts may be procured here of qualities adapted for stern posts, keel pieces, main pieces, knees,

transoms, floors, &c. in any quantity. From all the information, and opinions, I have yet been able to collect respecting the wood of this country, as eligible for masts, yards &c., it appears to me a doubtful point, and certainly not a resource at present to be depended upon, the wood being in general too brittle and too heavy. The chief expence attending the timber already brought from Plettenberg Bay has been owing to the transporting it a very considerable distance by land, which on a future occasion may be greatly reduced, as I understand timber may be fallen close to the Keurboom River, and being left a year to season, will then float. But as a further supply will be wanted for the naval yard, I have it in contemplation to send Captain Culverhouse to Plettenberg Bay, to superintend the falling the timber, from whose judgement, experience and local knowledge, I think much advantage may be derived, and an accurate opinion formed upon every point connected with the object in view, and better terms entered into with the Boors of the country.

The Navy Board having also in their letter above alluded to adverted to the state of the buildings in the naval yard at Simon's Bay as well as the general concerns of that establishment at the Cape of Good Hope, and desired I would suggest such improvements and alterations as I should judge expedient, and requested I would also consult the officers of the yard for this purpose, I have the honor to transmit copies of their several letters to me resulting from my communications with them on several points; and to observe thereon, that the improvements and increase of the establishment they have recommended meet my fullest approbation and concurrence.

The utility and advantage of a sheer hulk here, as pointed out in their letters of the 21st, and 24th inst., would be particularly felt from the very confined accommodations of the naval yard in Simon's Town, independent of those enumerated by them.

The want of blacksmiths has greatly retarded the ships under repair, and I beg to suggest the necessity of one of these (which have been already applied for by Captain Rowley) being a superintending artificer of that class.

The six shipwrights brought out in the *Leopard*, with their families, suffered much inconvenience and considerable expence on their arrival from the difficulty of procuring any accommodation, and having applied to me to be reimbursed, as also stating the

insufficiency of their allowance of one shilling a day for their maintenance, I refer their representation to the consideration of their Lordships. I have, etc.

(Signed) A. BERTIE.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
WILLIAM WELLESLEY POLE.*

Grampus, SIMONS BAY, 30th September, 1808.

SIR,—By my letter of the 16th ult., duplicate of which is forwarded by this conveyance, I had the honor to communicate my arrival here on the 2nd ult. The accompanying returns will shew the state, the force, and the actual disposition of the squadron under my command.

I have not been inattentive to the procuring every information possible relative to the Mauritius, and I inclose herewith copies of two letters from Captain Corbet of His Majesty's Ship *Nereide*, which contain the most recent accounts; also a list of vessels captured by the *Nereide* and the ships cruizing under his orders, together with the report of Mr. Cromie late master of the *King George* privateer exchanged by Captain Corbet.

From Captain Mainwaring of the Bombay Marine, a person of great observation, and who was a long time in the Isle of France, and from Monsr. Bernard, a prisoner, and Paymaster General of the Isles of France and Bourbon, and from Mr. Cromie, whose report agrees with theirs, I understand that the Isle of France contains 100,000 inhabitants, or more, of which about 60,000 are slaves, and in the last years the produce of every sort of provisions will not subsist its inhabitants for more than four months; consequently it must every year import a twelvemonths consumption for 60,000 souls.

Their Lordships will observe from Captain Corbet's report, that the appearance of our cruizers has more than doubled the price of provisions, and Mr. Cromie, who has just left the island, rates the increased price of meats, particularly salt, to be more than three for one. Captain Mainwaring, on whom I very much rely, states the Americans to have had a contract for supplying them

with provisions, and that they had 50 sail in that employ in 1805. These ships delivered supplies, without which they could not exist, and how were they paid? By our captured property; for the island cannot repay in colonial produce; their cotton being nearly annihilated from the scarcity of provisions, the land being turned into tillage. And here I cannot but observe, and I trust their Lordships will pardon me, that the American embargo having operated to distress it so far, points out to us the means by which this spot of annoyance to our Indian commerce is to be subjected or kept at check; nor could its being declared in a state of blockade interfere with the interests of any neuter power which does not frequent those islands for objects hostile to His Majesty's Government; for as they have no produce to return, vessels can only go there to supply them with provisions and naval stores, to fit out their cruisers against us, and to afford them a market for their prize cargoes.

These considerations have induced me to send every vessel I could spare off the Mauritius, as their Lordships will perceive by the returns; and I flatter myself from the disposition of the ships the greatest part of those vessels the enemy may capture will be prevented from entering her ports, and their supplies be so cut off as to reduce them to great extremity. According to the best information I have received the climate will admit of the Isle of France being strictly watched for nine months of the year, so that but a small proportion of supply can be obtained, and the question then is, can they in the three hurricane months receive a supply for the other nine? My endeavours shall not be wanting to cramp this as much as possible, and I trust their Lordships will approve of my considering the object to be such as to justify some risk, so far as the leaving some vessels at or off Madagascar, but I wait for reports from Captain Rowley upon this point, having desired his opinion how far Port St. Mary may be a safe anchorage during these months; and I have directed Lieut. Street of the *Staunch* gun brig, who is well qualified for the service, to visit every part of the eastern coast of Madagascar, and particularly Port Loquez, which I understand to be a more sheltered anchorage, and to report both to Captain Rowley and myself. The knowing we have vessels at Madagascar will be a bar to the sailing of many vessels, besides what may fall into our hands; and proper opportunities may be taken, if a safe anchorage can be found, of sending

the smaller vessels into the obscure harbours and creeks, which are more frequented by the enemy's vessels than the larger ones, or that are more generally known. Their Lordships will perceive by the reports of Captain Corbet, as well as Mr. Cromie, that they have three frigates of the largest class on the station of the Mauritius, independent of the *Scmillante* and *Jena*. Eight privateers are believed to be at sea, and about eighty was the computed number of ships and vessels in the ports; since which those which were taken in the Bay of Bengal have been carried in, many of them six and eight hundred tons, and some much larger; nor does it appear that any of their vessels which have been captured have been badly man'd; and it is grievous to add (from Mr. Cromie's report) that they are reinforced by many English seamen. It is therefore for me to submit for their Lordships' consideration how far it might be beneficial that frigates should be sent to this station to oppose those of the enemy, as no vessel under my orders (except the *Nereide*, now in India) could have a chance of coming up with them, should they be fallen in with, and 50 gun ships being ill adapted to the purpose.

It has been found that by keeping our cruizers close in shore the enemy have invariably passed them, and the extending their distance from the shore increases the number of ships requisite. The Sechelles and Cargados are the general rendezvous for their prizes; and being watched by us, will contribute greatly to the embarrassment of the enemy. The *Cormorant*, *Hermes*, and *Sceptre* having left the station, and the *Grampus* being in such a state that will require her being sent to England, has greatly diminished the force of the squadron according to the list I had the honor to receive from their Lordships; and I doubt not will come under their consideration, should other exigencies of the service admit of their being replaced, as the want of ships for the relief of others will cramp my efforts to take advantage of the state to which the American embargo has reduced the enemy.

Having received every assistance from Mr. Pringle, who has resided here for some years as agent to the East India Company, and is very much in their confidence, and as everything relating to the Isle of France is so intimately connected with the Company's interests, I have requested Mr. Pringle to write to the different factories to desire they will forward every sort of information they may obtain respecting the Isle of France; he is therefore

necessarily apprized of my ideas respecting it, and the opinion of a gentleman of his experience and abilities has very much confirmed my own. I have, etc.

(Signed) A. BERTIE.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, October 2nd 1808.

MY LORD,—In addition to my dispatch No. 45, acquainting your Lordship with the detention of the Portuguese ship *Rosalie* and the forfeiture of those negroes who were clandestinely landed, I have now the honor to inform you that I directed His Majesty's Fiscal to bind them apprentices by indenture for the space of 14 years, subject to certain provisions, a copy of which is hereunto annexed.

The committee appointed by my proclamation of the 29th of April having terminated its sittings and transmitted their report, by which it appears that the illicit traffic in slaves had been carried to a greater extent than was at first conjectured, I directed that the parties concerned should be proceeded against according to law, in consequence whereof 61 negroes have been adjudged as forfeited to His Majesty, making collectively with those from the *Rosalie* 107, and I propose that the whole of them shall be bound apprentices under a similar indenture to that already submitted.

Some circumstances having transpired which seemed to implicate in these transactions the Deputy Marshal of the Vice Admiralty Court, I transmitted through the Colonial Secretary to A. Cassels, Esqr., Acting Judge of that Court, such documents as referred to the conduct of the Deputy Marshal, but the precarious state of Mr. Cassels' health leads me to apprehend that he cannot bring to a conclusion those proceedings which he has instituted on the part of His Majesty, previous to the return of Mr. Hartley; I have therefore thought it incumbent on me to lay the case before your Lordship even in this unfinished stage of the business.

His Majesty's ship *Lightning*, having under convoy 4 transports with recruits on board, arrived on the 9th of September, and by this opportunity I had the satisfaction of learning the safe arrival of the Portuguese ship *Rainha dos Anjos* at Rio de Janeiro.

The Hon'ble East India Company's ships *Lord Castlereagh*, *Lord Keith*, and *Europe* arrived in Table Bay from St. Helena on the 15th of September, when His Majesty's 89th Regt., according to orders received by Lt. General Grey, were embarked, and on the 29th of September the ships prosecuted their voyage.

24 aams and 36 half aams Constantia wine have been shipped on board of the *Abraham Newland* transport, addressed to your Lordship.

At the very earnest request of Mr. Raynsford, Comptroller of Customs, I have permitted that gentleman to return to England for the purpose of arranging some domestic affairs that require his immediate and personal attendance, and which I understand have arisen from the loss of his eldest son, whose death was occasioned by an unforeseen accident. Mr. Raynsford will wait upon your Lordship for the purpose of knowing to what extent you may be pleased to dispense with his attendance, and during the interval of absence the business of his office will be conducted by Mr. Wetherall, who served for many years in the Custom House department at home.

I beg to state that I have not been honored with any dispatches from your Lordship of a less recent date than the 3rd of March.

I have, etc.

(Signed) CALEDON.

[Office Copy.]

Letter from EDWARD COOKE, ESQRE., to the EARL OF CALEDON.

DOWNING STREET, 20th Octr., 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the bearer, Mr. Peter Lambert, a native of Holland, to proceed to the Cape of Good Hope to join his brother, who is established in the Colony.

I have, etc.

(Signed) EDWD. COOKE.

[Office Copy.]

Letter from EDWARD COOKE, ESQRE., to the EARL OF CALEDON.

DOWNING STREET, 24th October 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the bearer, Mr. Metelerkamp, to return to his family at the Cape of Good Hope.

I have, etc.

(Signed) EDWD. COOKE.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas William Stephen van Ryneveld Esqre., His Majesty's Fiscal, and J. J. Vos Esqre., President of the Burgher Senate, have in obedience to my commands assessed the different farmers in such proportions of barley and chaff as it will be incumbent on them to furnish for the supply of His Majesty's cavalry during the ensuing year, I do therefore hereby think proper to notify my approbation of the above-mentioned assessment, and further to direct that the several farmers herein named do deliver at the Commissary General's stores in Cape Town (as soon as possible after reaping the new harvest) the several quotas of barley and chaff expressed against their names in the following list:—

(Here follow the names of the farmers assessed to furnish 8025 muids of barley and 4174 sacks of chaff, for the supply of His Majesty's cavalry for the ensuing year 1809.)

And if any farmer or farmers so assessed shall not have delivered his or their proportion of forage on or before a day to be hereafter specified, His Majesty's Fiscal will be instructed to cause an equal quantity to be purchased at whatever the market price may be, at the expence of such farmer or farmers, and to be delivered into His Majesty's stores.

The inhabitants dwelling in the neighbourhood of Saldanha Bay may deliver their quotas to the superintendent, Mr. Kendler, who will be directed to give receipts for the same; and such farmers

as may not be able to furnish the whole proportion of their assessment in barley will be at liberty to deliver oats, provided five muids thereof be given in lieu of four of barley.

And whereas it has been reported to me that the sum of three rixdrs. for a muid of barley, or a muid and a quarter of oats, and fifteen skillings for each sack of chaff or oat straw, if delivered in the Government sacks, or two rixdrs. if delivered in the farmers' own sacks, appears to be a fair and equitable price for the same,—I do therefore hereby make known that the above sums will be paid by the Deputy Commissary General for the forage he may receive during the ensuing year.

Given under my hand and seal at the Cape of Good Hope, this 24th day of October 1808.

(Signed) CALEDON.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas His Majesty's Receiver General, and the gentlemen whom I appointed by my letter of the 22nd October last, to examine conjointly with him into the quantity of worn out and defaced paper money in the Treasury, have reported to me that there is at present in the custody of the Receiver General twenty-four thousand five hundred and thirty-eight rixdollars, and two skillings, unfit for further circulation; and whereas memorials from different individuals have been laid before me, assigning satisfactory reasons for their not having exchanged different sums of the old paper currency, amounting altogether to the sum of four hundred and sixty-one rixdollars and six skillings, within the period specified in the proclamation issued by the Batavian Government on the subject, dated 24th August 1804, these are therefore to require and direct that the Secretary of the Court of Justice do, on Monday the 14th instant, attend at the Castle, where, on application to the Acting Colonial Secretary (in whose custody they are) he will receive the stamp and types, together with the quantity of paper necessary for the purpose, and that he do in the presence of the Fiscal and two members of the Court of Justice, who are hereby required to attend at the time aforesaid,

at the usual place, and in the usual manner, cause the number of one thousand two hundred and fifty pieces of ten rixdollars each, and two thousand five hundred pieces of five rixdollars each, to be printed and stamp'd, which pieces, when so printed and stamped, are to be delivered by the Fiscal and members of the Court of Justice aforesaid to the Acting Colonial Secretary, to whom they are also at the same time to return the types and stamp; which types and stamp being replaced in the box in which they are usually kept, the box shall be sealed with my seal, and with that of the Court of Justice, so to remain till further wanted; of all which the Fiscal and members of the Court of Justice are to make a public Act of Certification in the presence of the Court, on the next Court day, to be registered in the records of the Court.

And it is further directed that such printed and stamped pieces, being by the Acting Colonial Secretary delivered to the custody of Mr. J. Ackerveld, Treasurer to the Loan Bank, it shall be his business to prepare the same, by marking the number of each piece on the top of the card (continuing the number of the last issue) of each separate denomination of money, as also the day of the date of this warrant underneath, after which the whole of the pieces shall be signed by P. Diemel Esqr., fifth member of the Court of Justice, A. V. Bergh Esqr., first member of the Orphan Chamber, and A. G. van Kervel Esqr., third member of the Lombard Bank.

And it is also further directed that such money so printed, stamped, and signed, do remain in the custody of His Majesty's Receiver General, until report be made of its being finished, when such further orders shall be given as may be expedient, and for the several matters herein mentioned this shall be to all concerned a full and sufficient warrant; and, for the public information and satisfaction, it is further directed that it be published and affixed in the manner usual with all other proclamations.

Given under my hand and seal at the Cape of Good Hope, this 10th day of November 1808.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 11th November 1808.

MY LORD,—The tranquillity which this Colony has so long enjoyed met with a slight interruption from a partial revolt of the Slaves which took place on the 26th of October in the districts of Tygerberg and Swartland.

As your Lordship will doubtless feel an anxiety to be acquainted with its rise and progress I shall enter into a more minute detail than the magnitude of the events themselves may possibly appear to require.

Two British subjects (natives of Ireland) the one named James Hooper the other Michael Kelly have been resident in this Colony the one for six the other for about three months, the former states himself to be servant to Capt. Williamson of the *Ocean* East Indiaman and to have been accidentally left on shore when the ship sailed, the latter describing himself as discharged from the Company's Military Service and to have left the *Dover Castle* East Indiaman on which he was a passenger when she touched at the Cape on her homeward bound voyage. These men had no fixed abode, no permission to remain in the Colony, but by officiating sometimes as domestics and by passing much of their time on board of ships they avoided the vigilance of the police.

Associating occasionally with two Slaves the one called Louis the other Abraham they for the first time about two months since conceived the idea of emancipating the Slaves and of establishing a Government upon principles of their own; Hooper seems to be the person with whom the plan originated and Louis was the first to whom he divulged the scheme, Kelly and Abraham were afterwards admitted as confederates and the whole eagerly embraced the proposition of effecting the change.

Hooper early impressed upon the minds of his companions the necessity of keeping their own counsel by not communicating the design to any person in Cape Town, but solely to rely upon the Force which could be raised in the Country, considering as the natural result of a successful revolt in the interior that the Town Slaves would attach themselves to the party. Having procured three suits of uniform Hooper, Kelly, and Louis attended by

Abraham and another Slave named Adonis set out in an hired wagon on the morning of the 25th of October for the Farm of Piet Louw about 40 miles distance from Town and here it was on the following day that they commenced the execution of their plot. The Farmer was not at home but Hooper having announced Louis as the Captain of a Spanish Man of War and himself and Kelly as his Aides de Camp, Mrs. Louw received them into her house and at night time provided them with beds. So void of all principle were the Europeans that after retiring to rest they agreed to rob their associate Louis and abandon him to his fate, secreting therefore his epaulets and every thing of value he was possessed of, they silently left the house and shortly afterwards separated in the darkness of the night.

Louis undaunted in his undertaking assembled the Slaves of the house whom he had previously gained to his interest when taking them with him he proceeded to the next Farm House and so in rotation to the adjoining ones collecting at each place an acquisition of Force, and making prisoners of those Farmers who came within his reach, the device which he practised to effect this purport was proclaiming himself the Messenger of Government and requiring all Slaves in the name of His Majesty's Fiscal to appear before the Governor for the purpose of receiving their Freedom directing them also to bring in with them as Prisoners their proprietors. Your Lordship may well suppose that the veracity of tidings so congenial to their feeling was scarcely questioned and these deluded people implicitly obeyed the dictates of one whom they looked upon as the harbinger of their good fortune.

It was about 10 o'clock P.M. on the 27th when a Farmer arrived in town and gave me information of their approach. I lost no time in applying to Brig^r Genl. Wetherall in the absence of Lt. Genl. Grey, when a Squadron of Cavalry was got in readiness and detached under the orders of Major Spearman in quest of the Insurgents. At 12 o'clock the first and principal body (for they had divided) was completely in his possession and within a very few hours afterwards the second party shared the same fate. Louis alone escaped but his escape was of short duration, the precaution of guarding the Kloofs prevented all communication with the interior and previous to the expiration of the Week every individual concerned was apprehended and in Custody.

When it is known that this attempt was effectually and entirely suppressed in less than Six hours from the time it was first reported, that not one life has been sacrificed and scarcely any property destroyed the affair conveys its own significance, but your Lordship will be surprized to learn that so infatuated were the leaders and so deluded were some of the followers that this mob half naked and for the most part unarmed whose whole aggregate strength did not amount to 340 Men were actually on their march in Waggons to the Town for the purpose of demanding their liberty and in the event of a refusal entertained the chimerical project of seizing the Castle and asserting by force of arms their own independence.

As soon as the trial of the prisoners has been concluded I shall do myself the honor of transmitting the report for Your Lordship's information together with an Account of those measures I may in consequence deem necessary to adopt, I can only now observe that in the previous examinations of the parties by His Majesty's Fiscal they admit their guilt and urge nothing in extenuation of their crime. Being interrogated as to the general treatment which they received, Louis and all the other Negroes bore testimony of the humanity invariably observed towards them by their proprietors, and it is a singular fact that no Slave used violence in securing the person of his Master.

As the first intimation which the Inhabitants received of this tumult was the account of its suppression no unpleasant sensation prevailed and subsequent reports from the Magistrates of the Country assure me of the peaceable state of their districts.

I have &c.

(Signed) CALEDON.

[Office Copy.]

Letter from E. COOKE, ESQRE., to the EARL OF CALEDON.

DOWNING STREET, 14th November 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the bearer, Mr. R. J. Aling, a native of the Cape of Good Hope, to proceed thither.

I have etc.

(Signed) E. COOKE.

[Office Copy.]

Letter from E. COOKE, ESQRE. to the EARL OF CALEDON.

DOWNING STREET, 17th November, 1808.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the bearer, Wilhelmina von Vollensen, to return to the Cape of Good Hope in the service of Mr. John Houghton. I have etc.

(Signed) E. COOKE.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint Johannes Jurgens Esqre. a Member of the Burgher Senate in the room of E. F. Schrader Esqre. who goes out by rotation.

Castle of Good Hope, 25th November 1808.

By Command of His Excellency the Governor.

(Signed) HY. ALEXANDER, Secretary.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 28th November, 1808.

MY LORD,—Mr. Alexander arrived here on the 15th instant, and having produced His Majesty's Warrant directing me to appoint him Colonial Secretary, I administer'd the customary oaths to him on the following day.

I have had the honor of receiving by Mr. Alexander your Lordship's dispatch No. 21, dated the 10th of June ulto., the intervening dispatches between No. 15 & 21 have not yet come to hand.

Since my last letter acquainting your Lordship with the tumult which arose among the slaves on the 27th of October, everything has remained quiet, nor has any other circumstance of moment occurred. I have etc.

(Signed) CALEDON.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
WILLIAM WELLESLEY POLE.*

Lightning, TABLE BAY, 28th November, 1808.

SIR,—I herewith transmit a duplicate copy of the report of the defects of His Majesty's Ship *Grampus*, by which their Lordships will perceive that it was the opinion of the master shipwright that if the ship was immediately repaired the expence would be comparatively small, whereas it being delayed she would be wholly ruined, and on this ground I have deemed her return to England indispensably necessary. I have therefore from the very reduced state of the squadron under my command (a statement of which accompanies this letter) taken occasion to send her home, in the hope she may on her arriving at St. Helena find a ship of war waiting there for convoy, with whom the *Grampus* may exchange duties; having given instructions to this effect, which I trust their Lordships will approve.

I am concerned to state the capture of His Majesty's Ship *Laurel*, of which fact I fear no doubt can remain, altho' I have not yet received official accounts. I sent her from Simon's Bay on the 4th of August last to join the *Nereide*, *Otter*, and *Charwell*, which ships I then believed to be cruizing off the Mauritius. The *Leopard*, which sailed some time afterwards, had on board a French gentleman whom Captain Johnstone had directions to land at Port Napoleon. A letter has been received from the first lieutenant of that ship corroborating other accounts, stating the *Laurel* having been captured about the 15th September by *La Cannoniere*; and a young man who went up passenger in the *Leopard* in order to join the *Laurel* has been sent back by Captain Johnstone in a vessel which he has captured (not yet arrived), which has been spoken at sea, and on board of which, I understand, there are official letters to me announcing the capture of the *Laurel*.

By the statement of the ships under my orders herewith transmitted compared with the list with which their Lordships honoured me, and of which they considered my force to consist, it will appear that it is lessened by the *Grampus*, *Nereide*, *Laurel*, *Cormorant*, and *Hermes*. And as my instructions authorized me

in the case of my force being diminished by the loss of a ship to purchase another in her room, if a fit ship shall be found, I have the honor to transmit the reports and opinion of the purchase I have made of a ship calculated for a sloop of war, mounting 18 or 20 carriage guns, 12 pound carronade and brass 6 pounders, and to carry ninety-five men. I am confident the ship is in every respect fit for the purpose intended, and I do not think anything on this station can sail with her. I therefore confidently trust, considering the reduced state of my squadron, and the loss of the *Laurel*, which ship is added to the enemy's force, that their Lordships will approve the purchase I have made, and direct it to be confirmed. I have called her the *Caledon*, out of respect to His Excellency the Governor, and as there is no lieutenant on this station on their Lordships list for promotion to the rank of commander, I have nominated a lieutenant and commander only to her until their pleasure is made known.

I have the satisfaction to acquaint you for the information of their Lordships, that subsequent to the purchase of the ship before mentioned has arrived His Majesty's Brig *Sea Flower*, captured by *La Manche* on the 28th September last, and recaptured by the *Raisonable* and *Sylvia* (cutter) on the 27th October, her guns were all thrown overboard in chase, and she has been completely stripped of her provisions and stores by *La Manche*.

By this conveyance, I transmit their Lordships a return of the captures made off the Isle of France and brought in here since my arrival on the station, by which they will see that my opinion stated in my former letter respecting the distress to which the Isle of France may be reduced is strongly confirmed by the captures which have been already made; my cruisers had not been one month there from the arrival of the first when the last prize left it, in which I think on a rough calculation they have taken one month's provision for 100,000 men, and I have to observe that on speaking to a French master of a captured vessel yesterday, and asking why he sailed in the face of our ships? his answer was, "the Americans have left us, we must risk being taken, or the island be starved." It is my duty to state these facts to their Lordships, as they may judge them worthy of consideration, should the service admit of their sending me frigates to oppose those of the enemy, as I have now no certainty of having

one on the station, and it is next to impossible for the 50 gun ships to bring the enemy's frigates to action.

I have the honor to transmit for their Lordships' information a copy of my orders to the senior officers of the ships going to the African Islands and the Seychelles, and in confirmation of my ideas of the French existing in that quarter, the lieut. of *La Manche* captured in the *Sea Flower* informed me that they had visited Zanzibar, Johanna, and all the ports in those seas, up to the Red Sea, and Captain Ridge in the *Harrier* has sent me word he has certain information of many vessels being gone to the N.E. of Madagascar for the purpose of provisions for the Isle of France, which they have no means of paying for but by our captured property. I have forwarded by the *Grampus* duplicates of my several dispatches by the *St. Fiorenzo*. I have etc.

(Signed) A. BERTIE.

[Original.]

*Statement of Ships and Vessels placed under the Orders of
VICE-ADMIRAL BERTIE, Commander-in-Chief at the Cape of
Good Hope. (28 Nov. 1808.)*

<i>Raisonable</i>	64	Cruizing.
<i>Leopard</i>	50	Cruizing.
<i>Grampus</i>	50	Ordered to England, reported to require an immediate repair, that can only be given in England, to prevent her total decay.
<i>Nereide</i>	32	Ordered to Bombay by Captain Rowley to be docked. No communication received from Captain Corbet or the Commander-in-Chief in India since she left the station for that purpose.
<i>Laurel</i>	22	Reported to be captured by <i>La Can- noniere</i> .
<i>Harrier</i>	18	Cruizing.
<i>Otter</i>	18	Do.
<i>Charwell</i>	16	Do.

<i>Cormorant</i>	18	Ordered to England by Rear-Admiral Stirling.
<i>Hermes</i>	18	Ordered to the West Indies by Rear-Admiral Stirling.
<i>Olympia</i>	Cutter	Cruizing.
<i>Sylvia</i>	Do.	Do.
<i>Lightning</i>	18	In Table Bay bearing the Flag, belonging to the Brazil Station, and detained until the arrival of some other ship.

(Signed) A. BERTIE.

[Copy of Translation.]*Letter from the Prelate of Mozambique to the Governor of the Cape of Good Hope.*

MOZAMBIQUE, the 3rd of December, 1808.

MY LORD, YOUR EXCELLENCY,—Convinced of the good correspondence and friendship that exist between the two Nations, the English and the Portuguese, and happily allied during so long a time ago, and now still more by their very respective interests, and circumstances, in which Europe is at present situated, equally persuaded that it will be no difficulty nor trouble for your Excellency to issue orders, that some of the Ships of Your Excellency's nation which keep the Isles of France and Bourbon in a state of Blockade, or are cruising in their neighbourhood, might make a small excursion to this Capital of Mozambique by taking a view of the coast, we beg of Your Excellency to deign so to command it, in order to put to flight, or to seize the French Privateers, that infest our Coasts, making various prizes on the same, and are coming to block up this port, for some time since it has been and is still in want of ships of war with which we could drive back that sudden and unexpected aggression by which we are attacked. God send Your Excellency a long life.

(Signed) DOM ILASCO JOSÉ DA BOAMORTE LOBO, Bishop of Alba, and Prelate of Mozambique,
Auditor General AGOSTENHO BERNARDO DELGO,
ELIAS JOSÉ PERJAMOS, the Colonel of the Garrison.

[Original.]

Letter from VICE-ADMIRAL BERTIE to the HONOURABLE WILLIAM WELLESLEY POLE.

Powerful, TABLE BAY, 12th December, 1808.

SIR,—I have the honor to inform their Lordships of the arrival here of His Majesty's ship *Powerful*, with the *Wexford* Indiaman, under orders from Vice-Admiral Sir Edward Pellew, to await the arrival of His Majesty's ship *Albion* with the ships from Madras, with whom they are instructed to proceed to England.

I send herewith copies of two letters I have received from Captain Johnstone of the *Leopard*, subsequent to my communication to their Lordships by the *Grampus*, and it is with concern I add that the several prizes which have arrived confirm beyond the possibility of doubt the capture of the *Laurel* therein referred to; and having received no official communication from Captain Johnstone either of his transactions with respect to the flag of truce he sent in, the enemy's force in the Mauritius, or such circumstances as he had learned relative to the capture of the *Laurel*, I am still unable to give their Lordships further detail of this event, the *Raisonable* having gone up to Rodrigues to water. The masters of the different French vessels brought in here report the *Cannoniere*, the *Laurel*, and the *Venus* (who is now spoken of as a man-of-war and of similar force as the *Laurel*) to have sailed about ten days after the capture of the *Laurel*.

Vice-Admiral Pellew in his letter dated from Madras September 30, informs me that Captain Corbet in the *Nereide* had sailed from Bombay with Sir Harford Jones for Persia, that he was to return to Bombay, where he was to be tried by court-martial on charges preferred against him by the company of the *Nereide*, after which he is to return to this station. Under these circumstances it must be a matter of great uncertainty when I am joined by the *Nereide*, if she comes at all. I transmit herewith a list of vessels captured by the ships and vessels of the squadron since my arrival on the station, referring their Lordships for other particulars to my several dispatches by the *Grampus*. I have, &c.,

(Signed) A. BERTIE.

[Copy.]

Government Advertisement.

Notice is hereby given that Charles Blair Esqre. is appointed Collector of His Majesty's Customs in this Settlement in the room of Charles McLean dismissed.

Castle of Good Hope, 16th December 1808.

By Command of His Excellency the Governor.

(Signed) Hy. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given that W. Bentinck Esqre. is appointed Auditor of Accounts in this Settlement.

Castle of Good Hope, 16th December 1808.

By Command of His Excellency the Governor.

(Signed) Hy. ALEXANDER, Secretary.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas the paper money printed, stamped, and signed, according to the Proclamation of the 10th Nov. last, to the amount of Rds. 25,000, has been placed in the custody of F. Dashwood Esqr. His Majesty's Receiver General, in order to be exchanged for an equal sum of worn-out and defaced money (and also of such old paper currency as is specified in the aforesaid Proclamation), which is also in the hands of said Receiver General; these are therefore to require and direct that Brigadier General F. A. Wetherall, Commandant of Cape Town, W. S. van Ryneveld Esqr. His Majesty's Fiscal, R. Hill Esqr. Acting Deputy Commissary General, together with two members of the Court of Justice, and two

members of the Burgher Senate to be appointed by the Court and Senate, do meet at the Office of Revenue in the Castle, on Thursday morning the 29th instant at 10 o'clock, and that they do then and there receive from F. Dashwood Esqr. the above mentioned sum of 25,000 Rds., and after examining the same that they do in their presence in the Courtyard of the Castle aforesaid cause the same to be publicly burnt and destroyed; and in case the examination of the several pieces of money which constitute the above sum of 25,000 Rds. cannot be concluded in one day, they are then and in that case to adjourn and proceed therein as shall appear best to them, but so as to finish and conclude in the shortest time possible. And it is further directed that the several persons above mentioned do sign the two certificates of their proceedings herein in the English and Dutch languages, to be drawn up and prepared by Mr. J. Ackerveld, Treasurer to the Lombard Bank (assisted by the Sworn Translator to the Government), under the direction of the Fiscal, one of which certificates is to be delivered to F. Dashwood Esqr. as his discharge of the sum of 25,000 Rds. with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice by the Fiscal and the members thereunto belonging at the next meeting, after the signing as above directed.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice within fourteen days after the lodging of such certificate above mentioned, that they do pass a Public Act under their Hand and Seal of the Court, certifying and declaring all their Proceedings which have been held and have taken place with regard to the stamping and signing of the several pieces of money as expressed in the Proclamation of the 10th Nov. last, as also of the exchanging and destroying of worn-out and defaced paper money equivalent thereto, annexing to or including in such their act authentic copies of the several certificates as lodged as directed in their Records, which Public Act is to be presented to me, to be disposed of in such manner as I may think expedient for the satisfaction of His Majesty in the premises. For all which this shall be to all concerned a full and sufficient warrant and authority.

Given under my Hand and Seal at the Cape of Good Hope, this 24th day of December 1808.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, December 28th, 1808.

MY LORD,—Vice-Admiral Bertie having written very fully to My Lords Commissioners of the Admiralty upon the present state of the Mauritius, and enclosed the original letters taken in possession of the Abbé Le Luc, I have judged it sufficient to forward some extracts, and to refer your Lordship to the Admiral's letter for more minute information, but as he has done me the honor of communicating his letter stating my approbation of his intended measures, I think myself bound to mention to your Lordship the grounds upon which I am induced to concur.

I feel in addition to the reasons assigned by the Admiral, the consequence of the fate of the Isle of France upon the continent of India, and its effects as to the comparative strength of the two countries of France and England. I believe serious apprehensions are entertained at Bombay of a combined Russian and Persian force, and that under this consideration, as influencing the views of the Persian councils and the Cabinet of St. Petersburg, the conquest of the only French possession to the Eastward of the Cape must have great weight, for the Court of St. Petersburg having entered into the French views must also have entertained the hope of profiting by the destruction of our East India possessions, and may have relied upon a co-operation from the Isle of France in effecting that object. Thus impressed, I have been induced to approve of Admiral Bertie's measures. I did not suggest the idea of applying such force as occur'd or came within his reach, but if his general powers give him the discretion, I certainly coincide in the propriety of exercising it upon this occasion, and although I did not advize the Admiral to take upon himself such responsibility, yet under similar circumstances I should not have hesitated to have done the same.

In corroboration of the information your Lordship will receive from the Admiralty, I beg to add that the French frigate *La Manche*, on her outward bound voyage in the beginning of the year, captured a small privateer called the *Royal George*, commanded by a Mr. Cromie, formerly an officer in His Majesty's naval service. Mr. Cromie upon his return to the Cape, after having been detained in the Isle of France, (and enjoying a degree of liberty not usually

granted to prisoners of war) described to me the island at that time as much distressed from a scarcity of provisions. Many captures, two successive bad harvests, and the cessation of American supply have render'd that scarcity almost want. Now, my Lord, I hope I am not too sanguine, but I consider it very much within the bounds of probability that a short but strict blockade would produce the surrender of these islands, and upon such a contingency I must request your directions for the guidance of my conduct.

The information I have received concerning General De Caen who commands in the Isle of France represents him as indifferent to the hardships he imposes, but he is said to impose them equally without favor or affection. The substitution of new regulations for old Colonial law has added to his unpopularity, but he is a person likely to offer every resistance, unless the appearance of a very superior force would give him an honorable justification for submission.

This Colony is extiemely quiet. The attempt of those infatuated men has produced no sensation of doubt as to our internal security, the expulsion of two or three Kaffir Kraals will, I hope, be effected without trouble, and it does not appear to me (unless something is threatened from Europe, of which your Lordship will have the best intelligence) difficult to protect the internal tranquillity of this country, and to detach a regiment or even two in the event of circumstances rendering it adviseable.

As the Admiral's intention to dispatch the *Sylvia* cutter this afternoon was only made known to me yesterday, I hope I shall be excused for not acquainting your Lordship by this conveyance with the concerns of the colony, in which since I last wrote nothing of particular interest has occur'd. Supposing that the official account may have not yet reached your Lordship, I take the liberty to add that by a letter from General Maitland dated from Point de Galle, it appears that Colonel Malcolm had passed that port in August last, having failed in his mission to the Court of Persia. So entirely did the French and Russian influence preponderate that he was refused admittance to the capital, and in consequence returned, leaving behind him at Bushire his secretary, Captain Paisley, who by a subsequent account has likewise been obliged to retire. Sir Harford Jones has left Bombay for the Persian Gulf. I have, &c.

(Signed) CALEDON.

[Original.]

Letter from VICE ADMIRAL BERTIE to the HONOURABLE WILLIAM WELLESLEY POLE.

Caledon, TABLE BAY, 28th December 1808.

SIR,—The *Sylvia* cutter is arrived here from a cruize off the Isle of Bourbon, having captured an aviso with several passengers on board, among whom is the Abbé Delsuc, having in charge a great number of letters, both public and private, from the Island of Bourbon for the Isle of France and France. The Abbé has resided many years in Bourbon, having emigrated early in the Revolution; he has held many high situations in the Island: President of the Tribunal of Justice, and is guardian to some of the first families of the old Court, Monsieur de Sartine amongst others. He is in particular intimacy with General Montigny, who together appear to have allied themselves with several others secretly hostile to De Caen and his measures, which the Abbé represents to be violent and by no means acceptable to the generality of the inhabitants, who are attached to their old laws and customs, to which he by no means adheres. It was the intention of the Abbé to have sailed for France in the *Semillante*, lying in Port Napoleon, and ready with several others for sea. Both from the report of the Abbé, as well as from the contents of the letters, it is found that these vessels, which cannot make an insurance for 3 or 400 per cent, are risking most valuable cargoes from the want of Americans to carry them home. The ships ready to sail are the *Semillante*, sold, and now called the *Charles*, commanded by the younger Surcoff, mounting from 22 to 26 guns, the *Celestine* of 500 tons armed nearly in the same manner, commanded by Lieut. Bourrienne, who was so successful in the Bay of Bengal, the *Pactole*, on board of which is embarked (whether with the command or not I cannot learn) Captain Motara, late of the *Semillante*, and three more vessels of a similar description, supposed to sail together or nearly the same time.

The contents of the intercepted letters, both public and of a private nature, will enable their Lordships to judge of their importance, much better than any observation of mine upon them, and I

trust they will approve of my having despatched the *Sylvia* with them. By all my former letters their Lordships will know how strongly I was impressed with the opinion that the exclusion of neutrals from the Mauritius would in a short time subject those islands to great inconvenience, but the tenor of the letters I have the honor to send herewith establish the justice of my former remarks. They are no longer opinions, but confirmed facts, and to an extent which in so short a time by far exceed my most sanguine expectations.

From the effect of the American embargo and the disposition of the small force under my orders for the view of intercepting their supplies, these letters fully demonstrate these islands to be distressed in the extreme, and one letter states from 15 to 18,000 slaves to have perished by famine; and I am of opinion there is fair and sound reason to suppose that a vigorous blockade and an addition of frigates to the force I have, that may cope with the enemy in sailing and strength, may drive them to such straits as to induce them to hold out terms of surrender to His Majesty's arms. Under these circumstances I trust their Lordships will equally approve of my giving instructions to my cruisers not to suffer any intercourse by neutrals with these islands until their pleasure shall be known, as if it were permitted they might be effectually relieved before I could receive their directions for my guidance; and these important reasons will, I hope, justify me further in the opinion of their Lordships, in retaining what force shall be in my power to lay hold of until I know their Lordships' pleasure; and I am the more impressed with the absolute expediency of this measure for the good of His Majesty's service, because the Abbé Delsuc and other prisoners state that General De Caen and De Brulisse (who commands at Bourbon) had prepared quarters for 2,400 troops, that the former had with the other heads of the department received information from Admiral Decres that about the commencement of November the *Cisalpine* with two more large frigates were to sail from France with these reinforcements, and that preparations were to be made for their reception: this, it is possible, may be said to lead me astray, but it is too rational a communication not to require my strict attention, and I cannot conceive an invention (supposing it to be such on the part of the Abbé) of this nature could operate in favour of any hostile views; further, a consideration of the great effect the fall of the Mauritius

would have on the native powers in India renders the exertion of France in sending out a reinforcement as probable an event as can possibly be imagined, and requires to be proportionably guarded against, and counteracted.

That it was the intention of the Abbé Delsuc to sail for Europe, will not admit the possibility of doubt ; but the information he has obtained since he has been here, of affairs in Spain, Portugal, and Italy, of the Archduke Charles being placed at the head of the Austrian army (which he has by some means learned), and South America having declared war with France, has so exceedingly alarmed him, that he dreads another revolution, and has most earnestly prayed me to send him back to Bourbon ; accompanied by which he fears the Pope's Brief, and all the Proclamations with which I have taken care to furnish him. He will do much good by being landed in Bourbon (without perhaps intending it) to the English cause.

The Abbé states to me that documents are in England to prove that on a former occasion when the Isle of Bourbon was on the point of surrendering, his name will be found the first to all the measures proposed.

I have now to add, that I have the authority of his Excellency the Earl of Caledon for stating that his Lordship by this conveyance expresses to His Majesty's Secretary of State his perfect coincidence in my opinions and acts, and that he fully agrees with me in the propriety of my retaining what force I can, till their Lordships' pleasure is known, and also in the absolute necessity of ordering my cruisers to oppose all intercourse with the Mauritius ; such also is the opinion of Lieut. General the Honble. H. G. Grey, Commander of the Forces, Mr. Secretary Alexander, and Mr. Pringle, the confidential and experienced agent of the East India Company, all of whom avail themselves of this opportunity to express their sentiments on this subject to the several public departments with which they correspond.

The India fleet from Madras with the *Albion* are daily expected. Having written to the Governor General of India on my passage from England my opinion respecting the Mauritius, I have no doubt of receiving the benefit of his Excellency's sentiments, on the arrival of those ships.

Captain De Courcy being here on his passage from India to England, I have entrusted him with these dispatches, and have

directed the Commander of the *Sylvia* to make every exertion for his speedy arrival at the first port he can reach in England.

I have, &c.

(Signed) A. BERTIE.

[Original.]

Letter from VICE ADMIRAL BERTIE to the HONOURABLE WILLIAM WELLESLEY POLE.

Caledon, TABLE BAY, 28th December, 1808.

SIR,—I have the honor to acquaint you for the information of their Lordships that accounts have been received from Stellenbosch, stating that Mr. Cassels, the Officiating Judge of the Vice Admiralty Court at the Cape of Good Hope, has had another most dangerous relapse, which leaves no hope of his recovery; and that there is now property to a very considerable amount requiring only the official forms to be gone through for condemnation. I have, &c.

(Signed) A. BERTIE.

[Copy.]

Court of Justice.—Sentence in a Criminal Case.

His Majesty's Fiscal William Stephanus van Ryneveld Esquire, Prosecutor for the Crown, *versus*

1st. Louis from Mauritius, slave of the separated wife of William Kirsten.

2nd. James Hooper, 26 years old, born in Ireland.

3rd. Abraham of the Cape, slave of Jan Wagenaar.

4th. Michael Kelly, 24 years old, born in Dublin in Ireland.

5th. Adonis from Ceylon, slave of Leendert Huybrechts.

6th. Cupido from Java, and

7th. Jephta from Batavia, both slaves of Petrus Gerhardus Louw.

8th. Jonas of the Cape, slave of Amos Lambrechts.

9th. Jan, or Massok from Mozambique, slave of the widow Helberg.

10th. Tiberius of the Cape, and

11th. Fortuin from Mozambique, both slaves of Amos Lambrechts.

12th. Jacob from Mozambique,

13th. Izaak from Mozambique,

14th. Fran^{co}is from Mozambique,

15th. Francis from Mozambique, all four slaves of Petrus Gerhardus Louw.

16th. Mey of the Cape, slave of Jan Louw, Alb. son.

17th. Geduld from Mozambique, slave of Jan Louw, P. son.

18th. Galant from Mozambique.

19th. Goliath from Madagascar.

20th. Spadille from Bougies, slave of Willem Basson.

21st. Damon from Malabar, slave of Adriaan Louw of the Pheasant Kraal.

22nd. Adonis of the Cape, slave of Jan Louw, Jac. son.

23rd. Dirk Jager, Hottentot, in the service of Petrus Gerhardus Louw.

24th. Plato from Bengal, slave of Adriaan de Waal.

25th. Antony from Madagascar, slave of Ands. Fackelyn Gousch.

26th. Kees of the Cape, slave of Amos Lambrechts.

27th. Abraham of the Cape, slave of the widow Pieter Jordaan.

28th. Alexander from Madagascar, slave of Johs. Louw, J. son.

29th. Ontong from Baly, slave of Ands. Fackelyn Gousch.

30th. Salomon from Mozambique, slave of Johannes Louw, Nic. son.

31st. Francis from Mozambique, slave of Willem Basson.

32nd. Zephir from Mozambique, slave of Nicolaas Mosterd.

33rd. Willem of the Cape, slave of Ands. Fackelyn Gousch.

34th. Arie Abel, Hottentot, in the service of Jan Loubscher of Fishershok.

35th. Rotterdam from Timor, slave of the widow Fick.

36th. Goliath from Mozambique,

37th. Colair from Mozambique, both slaves of Amos Lambrechts.

38th. Jacob of the Cape, slave of Dirk Verwey.

39th. Piquet of the Cape, slave of Gysbt. van der Westhuyzen.
40th. April from Mozambique, slave of Hercules Sandenberg.
41st. Lodewyk of the Cape, slave of Hendk. Albs. van Niekerk.
42nd. Mey from Mozambique,
43rd. Cupido from Mozambique, both slaves of Petrus Gerhardus Louw.
44th. January of the Cape, slave of Michiel de Kok.
45th. August of the Cape, slave of Adriaan Louw of the Pheasants Kraal.
46th. Apollos of the Cape, slave of Amos Lambrechts.
47th. David of the Cape, slave of Hendrik Matfeld.
48th. Jason of the Cape, slave of the widow Laubscher of the Deep River.
49th. Abraham of the Cape, slave of Adriaan de Waal.
50th. Izaak of the Cape, slave of Willem Basson.
51st. Abraham from Mozambique, slave of Petrus Gerhs. Louw.
All prisoners in this case.

Whereas it hath evidently appeared to the Court, as well from the free confession of the prisoners, as from different documents:

That some months back, it not being possible to determine the precise period, a plan and agreement was made between the three first prisoners Louis, James Hooper, and Abraham to endeavour to make the slaves free in this Colony, and if need be, to employ even violent means for that purpose, which plan and agreement seems to have originated from, and been the consequence of discourses held by the 1st and 2nd prisoners Louis and James Hooper when the latter, who lived with the former, told him, on those occasions, that there were no slaves in his country, but that every person was free, and both these prisoners having then jointly agreed that the former prisoner should first speak on this subject with such slaves in the country as he was acquainted with, the 1st prisoner in consequence hereof spoke on this subject with some of the slaves belonging to the farmer Petrus Gerhardus Louw in Zwartland, and they having declared to him that they were willing to assist and co-operate in executing the said plan, the 2nd and 3rd prisoners James Hooper and Abraham repaired in the course of the month of October last on horseback to the farm of the said Louw, in order to converse further on the subject with some of the slaves of said Louw, and to prepare them for the purpose, on

which occasion the 2nd prisoner passed two nights at the said Louw's, pretending to be a gentleman and a stranger who was taking a little journey in the country for pleasure, the 3rd prisoner Abraham then acting as his servant. That the aforesaid plan being likewise communicated to the fourth prisoner Michael Kelly, whom the 3rd prisoner sometimes supplied with victuals from the first prisoner's house, when the discourse being again resumed that there were no slaves in their country, and that consequently there ought to be none here, the 4th prisoner likewise agreed and consented to the plan, the execution of the same being hereupon determined the 2nd prisoner, James Hooper, on Monday the 24th October called on Hendrik Matfeld, whom he asked to hire him a covered waggon with eight horses, which he said was for an English officer to ride the next day to Riet Valley, which waggon was hired to him by the said Matfeld accordingly. That in the interim the 1st prisoner by the advice and in concert with the 2nd prisoner provided himself in town with a blue jacket with red collar and cuffs, a large and a small sword, two gold and two silver epaulets and some ostrich feathers, all of which were intended for the aforesaid purpose, the 2nd prisoner on the evening of the 24th October last informed the 4th prisoner, Michael Kelly, that the waggon was bespoke, and that they intended proceeding on their journey early the next day, in consequence of which he, the 2nd prisoner, together with the 3rd prisoner repaired very early in the morning to the guard-room of the Naval Hospital where the 4th prisoner, not having any fixed place of abode in town, usually slept, when he, the 2nd prisoner, having desired the 3rd and 4th to go on before them to Salt River, where they would meet them with the waggon, the 3rd and 4th prisoners complied therewith.

The waggon of the aforesaid Matfeld having hereupon called at the house of the 1st prisoner's deceased wife, the free woman Ann, by whom he was hired, and at whose house he lived, there went from thence in the waggon besides the people belonging thereto—being David, slave of Hendrik Matfeld, as driver, Adonis, slave of Johan Hendrik Schultz, as leader, and a little boy of said Matfeld, named Daniel, 11 years old,—the two first prisoners Louis and James Hooper, together with a Coolie boy named Cupido from Mozambique, a slave belonging to George Scheffler, who was hired by the prisoner to attend them on their journey, but who knew as little of the plan as the people belonging to the waggon.

That the two first mentioned prisoners having left Cape Town provided with the aforesaid accoutrements met on the side of Salt River the 5th prisoner Adonis, who had some weeks before deserted the service of his master, and who at the invitation of the first prisoner likewise got into the waggon, without then knowing anything respecting the intention of the journey, but which being shortly afterwards privately communicated to him, he immediately consented thereto, taking from that moment a very active part in the execution thereof.

That the 3rd and 4th prisoners having, according to their agreement met the waggon at Salt River, got into the same, in which manner the five first prisoners proceeded on their journey to the country, with the determined resolution as they declared themselves, to execute their plan, which was to incite as much as possible the slaves in the interior to insurrection and rebellion, and having assembled and armed them with such arms as were to be procured in the country, to march to Cape Town, take the first Battery, and having thus posted themselves to dispatch a letter from thence to His Excellency the Governor demanding the liberty of the slaves of this Colony, and in case of a refusal to make themselves masters of the Magazines, to storm and force the Prison, release the prisoners, and fight for the liberty of the slaves, upon which the 1st prisoner under the title of Governor or Chief of the Blacks was to place himself at the head of the slaves who were thus to be free, and the 2nd prisoner to obtain a high situation under him, and which plan, according to what the 2nd prisoner said to the 4th prisoner in the waggon, had been concerted five months before, and in the execution of the plan they were to be assisted by people residing at five months distance from town.

That in the course of their journey the 47th prisoner David, being the driver, represented to the first prisoner that he was to be in town in the evening, to which the 1st prisoner answered that the waggon was hired for five days, and that he had paid to his master one hundred rixdollars for the same, they then continued their journey to the other side of Brakke Fonteyn, where they passed the night in the fields, continuing the next day (being Wednesday the 26th October) their journey near to the farm of Petrus Gerhardus Louw in Zwartland, where, having halted a few moments, the 1st prisoner, with the assistance of the 2nd prisoner, put on the two gold epaulets and the large sword, with a gold

sword knot, and then, having placed a silver epaulet on the shoulder of the 2nd and also of the 4th prisoner, James Hooper and Michael Kelly, with the small sword on the former, they proceeded thus dressed to the said farm of Petrus Gerhardus Louw, in the interim agreeing if Louw was at home, on the 1st prisoner saying *Vat aan* (lay hold) to seize and tie him, and in this manner convey him in the waggon from his place, but Louw happening not to be at home on their arrival, the 2nd and 4th prisoners then introduced the 1st prisoner to the wife of the said Louw as a Spanish captain, and themselves as his officers, the 3rd prisoner acting as his servant, under which pretext they, the 2nd, 3rd, and 4th prisoners, the 1st prisoner not speaking a word, requested the mistress of the house to permit them to sleep there that night, and to let their horses have good forage, which she acquiesced in, using at the same time her best endeavours to provide as good a supper as she could, in order to receive the strangers as hospitably as possible.

That in the meantime the 1st and 3rd prisoners repaired to some of the people belonging to the farm, but especially the 7th prisoner to concert with him in order to commence the next morning and to make the necessary preparations thereto. In the meantime, the 2nd and 4th prisoners frequently enquired of the mistress of the house, if, and when, her husband would come home, to which she first answered that she expected he would be home shortly, but afterwards that as it was growing late she did not expect him that night. Supper being served, the 1st, 2nd, and 4th prisoners were invited to table by the mistress of the house, when the 1st prisoner, the pretended Spanish captain, placed himself opposite her and the 2nd and 4th prisoners on each side of him, the 3rd prisoner attending him as his servant, whilst the 2nd prisoner paid particular attention to the 1st prisoner at supper by helping him to different things; after which the 1st, 2nd, and 4th prisoners went to sleep in a room shown them by the mistress of the house.

The 2nd and 4th prisoners having on the said night or the next morning at break of day made themselves masters of the two pair of epaulets, the two swords, the jacket and new hat of the 1st prisoner, went out of the window of the room and left the place with the same, when the 3rd prisoner shortly afterwards got up to awake the 1st prisoner, and also to desire the people of Matfeld's

waggon to put the horses to, and after having assembled some of the people of said Louw, he likewise left the farm, when the further proceedings being solely left to the 1st prisoner, he, together with the 5th, 6th, and 7th prisoners, then caused the horses to be put to the waggon of said Petrus Gerhardus Louw, notwithstanding his wife gave orders to the contrary. Upon which, they, with the said waggon, that of Matfeld, together with ten slaves and a Hottentot, repaired to the next place of Willem Basson, where not finding the master at home, they immediately made a beginning with causing the horses to be put to the waggons, Johannes Arnoldus Basson to be bound, the people to be assembled, and making themselves masters of the guns, powder, lead, and provisions, in order to obtain which they forced the doors of the rooms of the house, and that leading to the upper story, from whence they took a piece of a tent, the first prisoner declaring that it was the order of the Fiscal and the Governor to bind all the Christians and thus to convey them together with their slaves to Cape Town, upon which they endeavoured to bind the wife of Willem Basson, but the rope being too short, they desisted, by which means she, together with Engela Elizabeth Smith, who lived with her, found an opportunity of making their escape.

That the prisoners having forced the said Basson into the waggon, they, with the waggon and a cart belonging to the said Basson, together with the two other waggons already in their possession, twelve waggon and five saddle horses, and the slaves of the place, departed from thence and proceeded to Pieter Basson, but happening to meet the said Basson on the road with his waggon, they stopped him, when the 6th prisoner, together with the 1st and 5th prisoners, each armed with a sword, having first asked whether he would surrender, then pinioned him, and took him with his waggon.

That the insurgents, having called at his place for the sole purpose of taking his guns, powder, and lead with them, after having made themselves masters thereof, proceeded to the farm of Johannes Louw (son of Jacobus), likewise situated in Zwartland, which Louw was immediately seized, pinioned, and put into one of the waggons, while the insurgents, after having seized all the money of the said Louw, consisting of Rds. 144 paper and 10 Rds. copper money, with the wearing apparel, took the same with the ammunition he had, together with the greatest number of his slaves,

waggons, and horses, from his farm, from whence they, with the abovementioned waggons, horses, and slaves, several of whom were armed with swords, proceeded to Pieter van der Westhuizen Gysbert's son, where the 1st prisoner dispatched four of his armed men to the field to the people, who were employed reaping the barley, to order them home, in the interim seizing with some of the slaves, Pieter van der Westhuizen, whom they bound, and then went into the house, where they compelled the mistress of the house to open everything, from which they took, besides the guns and ammunition which they found, all the men's cloathing they could possibly lay hold of, and having then gone into the wine cellar, distributed some wine to the people, when the 1st prisoner, on the said Van der Westhuizen exclaiming, "Oh God what befalls me ?" answered him : " Do you now think on God ?" whilst the 6th prisoner carried his outrage so far that he did not hesitate to compel the wife of the said Van der Westhuizen, Jacoba Christina Baard, by placing the muzzle of the gun to her breast, to go into one of the outhouses which she happened to pass by, after having concealed one of her children in the bushes, and there to have carnal knowledge of her.

The insurgents, having in this manner increased in number and obtained an additional quantity of guns, swords, and horses, proceeded to Amos Lambrechts, and from thence to Gysbert van der Westhuizen, where having likewise bound the Christians, declaring that such were the orders of the Governor and Fiscal, they made themselves masters of the guns, waggons, and horses, some of the slaves either by force or voluntarily joining them, the one taking a greater and the other a less active part therein.

The number of insurgents being here again considerably increased, the first prisoner divided them into two parties, one of which was placed under the joint command of the 5th and 8th prisoners, whilst he together with the 6th prisoner continued the command of the other party, and proceeded with the same to the farms of Johannes Nicolaas Louw, Pieter's son, Adriaan Louw, senr., at Drooge Valley, Hugo van Niekerk, and the Widow Gobrechts, where he, the 1st prisoner, once more separated his party into two divisions, giving the command of the one to the 6th prisoner, who, acting in like manner as the 1st prisoner, by sometimes saying that such was the order of the Governor and Fiscal, and at other times of the General and Fiscal, proceeded with the

said party through the districts of the Koe and Tygerberg to the places of Adriaan de Waal, Adriaan and Jacobus Louw, Hendrik van Niekerk, Adriaan Louw at the Pheasant Kraal, Andries Godlieb Willer, Christiaan Storm, Thomas Frederik Dreyer, Izaak de Villiers, and Johannes Augustus Dreyer, whilst the 1st prisoner also proceeding with the insurgents under his command in a similar manner went to the places of Adriaan and Jacobus Louw, Hendrik van Niekerk, Widow Ockert van Niekerk, Pieter de Villiers, and Jan Laubscher at Vissershok. The 5th and 8th prisoners in the interim, repairing with the party under them to the farms of the Widow Laubscher at Deep River, Piet Pienaar, Johannes Louw (Albertus son), and Andries Fakelyn Gousch, when the 5th and 8th prisoners divided the insurgents into two parties between them and the ninth prisoner, the 5th and 8th prisoners proceeding with the insurgents under them to the place of Nicolaas Mosterd, and the 9th prisoner and his party to Dirk Verwey, in such direction, however, that they afterwards joined again at the place of the said Mosterd, and from thence taking the same route as the first prisoner, Louis, towards the Poles at Salt River, they called in their way thither at the places of Okkert Mosterd, Melt van der Spuy, and Jan Laubscher at Fishershok. The said different parties of insurgents having on their route from the place of Petrus Gerhardus Louw at Zwartland, through the districts of the Koe and Tygerberg, towards the Poles of Salt River, where they seemed to have fixed their rendezvous, having been at 34 different farms, where besides many other outrages, they principally bound the masters or Christians, and took them with them together with the waggons, horses, arms, and ammunition, and the slaves, whom they partly by force and partly by making them believe that they were then to be free, induced to follow them, crying out everywhere that such were the orders, either of the Governor, General, or Fiscal, whilst at some places they contented themselves with assembling the people, making themselves masters of the waggons, horses, arms, and ammunition, and carrying with them the owners of the places (some tied and some loose), guarded, however, by armed blacks, at other places only distributing wine to the people, and then again at some farms committing great excesses, where under exclamations of **Huzza!** and firing outside and inside the houses, they broke the windows, chests, and trunks to pieces, and entirely plundered the same, in

which respect the farmers Pieter van der Westhuizen, Pieter Pienaar, the Widow Ockert Mosterd, Johannes Louw (Albertus son), Andries Willer, Hendrik Albert van Niekerk, Melt van der Spuy, Adriaan Louw at the Drooge Valley, and Christiaan Storm, suffered the most, especially the latter (of whom not a single slave joined the insurgents, but concealed themselves in the bushes), which Storm they surprized, armed in the middle of the night in his own house, where they broke open all the chests, trunks, and doors of the different rooms, deprived him of nearly everything that came in their way, and having afterwards bound him almost naked, just as they had taken him out of his bed, they threw him into a waggon, while the insurgents, besides committing at Melt van der Spuy's like violence and plunder, took from his writing-desk all his papers, and tore them to pieces, and the party which was at Adriaan Louw's, Drooge Valley, carried their outrages to such a pitch that they seized the said Adriaan Louw, a man upwards of 70 years old, and ill-treated him in the highest degree, laying hold of him by his hair in his own house, giving him a blow with the butt end of a musket on his head, and also some on his back, then dragging him along the floor out of his room, they beat him with a sword, pinioned him, and conveyed him to the place of Hendrik Albert van Niekerk, where he, together with five other farmers, who were seemingly a trouble to the rebels in their waggons, were left behind as prisoners and put in charge of said Hendrik van Niekerk, who was to be responsible for them.

That two of the aforesaid parties having reached the places of their destination, namely Blueberg Valley and the Poles at Salt River, some of them (among whom was the 3rd prisoner, who, having left the rebels at the farm of Petrus Gerhardus Louw, again joined them here) went together to the farm of Arend de Waal (Arend's son), situated under the Grendel, where they, as usual, very much ill-treated the said De Waal, and took his guns with them, whilst the first prisoner, who, according to agreement, expected to meet the 2nd and 4th prisoners at the Poles, but not finding them there proceeded with his party towards Salt River, when they, happening to meet on their way near Banqueroets River the farmers Pieter Gideon Joubert and Willem Lategaan, with their waggons, they beat and pinioned them, and then went to Hendrik Prehn, with the intention to plunder there, for which

purpose they had already made a commencement with binding the said Prehn, but he having contrived to get himself loose, took one of his guns, loaded with small shot, with which having fired at them, without, however, wounding a single man, they immediately dispersed and left the house, without committing any further mischief.

That in the meantime, in the evening of the said Thursday the 27th of October, between the hours of 9 and 10, it being reported to His Excellency the Governor and Commander-in-Chief that there was an insurrection among the slaves at Zwartland and Koeberg, His Excellency immediately gave the necessary orders for detachments of infantry and cavalry to march from hence as well to crush the rebellion in its infancy as to apprehend the insurgents, which orders were executed with such promptitude that shortly after the different parties of the insurgents were apprehended as well at Salt River as at Blue Berg Valley and the Poles, and from thence carried prisoners to the lines, while the next day, in the morning, report being made that some troops of the insurgents had been discovered, in the vicinity of Tygerberg, part of the detachment of cavalry proceeded thither and took the other party prisoners, together with some dispersed insurgents, near the place of Jan Augustus Dreyer, from whence they were carried prisoners to Maastricht, a place belonging to Jan Vos, also situated at the Tygerberg, where they were confined accordingly, when the waggons, horses, saddles, guns, and the like, were as far as possible returned to the owners, a great many articles having been lost on account of the confusion which prevailed. For the rest, the number of prisoners then taken was

at Fort de Knocke	...	...	...	...	126
at Maastricht	...	...	...	...	200
					326

but among whom were not yet the five first prisoners, they having escaped here and there.

That, further, a summary extra-judicial examination having been made with the approbation of His Excellency the Governor and Commander-in-Chief, such of the prisoners as were found to be merely passive, to the number of 244, were returned to their masters after a serious warning; as also some others at the instance

of the prosecutor and with the concurrence of the Court of Commissioners, who, by the further judicial examination, had been found not to have been guilty of any particular crime or violence, while the others, against whom special charges were exhibited, or who appeared to have been either ringleaders or particularly active, have been kept in confinement in order to be prosecuted agreeable to justice.

That further the 2nd and 4th prisoners, who had left the place of Petrus Gerhardus Louw on the night between the 26th and 27th October, having the next morning seen some farmers' waggons passing the usual road behind the place of said Louw, concealed themselves in the bushes, in which manner, having lost one another, the 2nd prisoner proceeded further on, till having arrived at a place where one of the dragoons belonging to the post for Saldanha Bay was stationed, he was there apprehended by him and sent to town, whilst the 4th prisoner, on his way to Saldanha Bay, where he said he went in order to get on board some ship or other, was likewise apprehended together with the 1st, 3rd, and 5th prisoners, and thus all the prisoners were successively discovered, apprehended, and brought into the hands of justice.

And as it hath appeared to the court of justice particularly with regard to the prisoners mentioned in the head hereof, as well from their own confessions as from the further documents—

That the four first prisoners were the ringleaders and beginners of this insurrection, without it however appearing which of them first hit upon the idea to form this plan, they mutually accusing one another; however, the first prisoner from the beginning to the end acted as the chief and ringleader of the insurgents, and also, should their plan have succeeded to their wishes, was to remain as the chief of the blacks, and the second prisoner (who had been before with the third prisoner to the place of Petrus Louw, in order to make some arrangements towards effecting the plan, and on his return related to the first prisoner of his having done what was necessary) was to have obtained a high situation in his service, the second prisoner being besides the person who hired the wagon which was necessary for their purpose from Hendrik Matfeld under a false pretence, and on the evening of the 24th October last acquainted the 4th prisoner of their intended departure next day, also, together with the 3rd prisoner, went the following morning to, awakened and informed

the 4th prisoner where he was to join the waggon, and while they were on the journey gave him further information of their long projected plan. He further on their route dressed the 1st prisoner in the uniform with which he was to appear at Petrus Louw's, while he, the second prisoner, also put on military appointments and a sword in order likewise to pass for an officer, and finally he introduced the first prisoner to the wife of the said Louw as a strange officer, and paid him every mark of attention as such, although he knew him to be a slave, and that he was the acknowledged head of the rebellion.

That the third prisoner had acted as interpreter here in town between the two first prisoners on the subject of this plan, that he further went on horseback with the second prisoner to the place of said Louw in order to make preparations for the execution thereof, and also on the 25th October last actually rode with them to the place of Petrus Louw where he attended the first prisoner (who was to play the part of the Spanish captain) as servant at supper, and the following morning, having awakened the first prisoner, he was the first person who gave orders to the slaves of Louw to get the waggons in readiness, and further, although he then departed from said place, he however pursued another road to the appointed place of rendezvous, in the neighbourhood of which he was on the 27th of October among the insurgents who were at the place of Arend de Waal, whom he beat and plundered of his property, on which occasion he said to the slave girl Samina who was crying through fear, "Do you cry for a Christian?" adding that the insurgents the next day would hoist the bloody flag and fight themselves free, and that then the slave girls in their turn could say *sy* to their mistresses (a disrespectful expression in the Dutch language).

That the fourth prisoner, although he knew of the plan of the three first prisoners but a few days; still, however, he was acquainted therewith before it was put into execution, willingly acquiesced therein, and immediately assisted to put the same in force, as well (according to the information of the second prisoner) by going with the third prisoner to Salt River in order to wait for the waggon, getting into the same and undertaking the journey with them, and after they had spoken further respecting the plan he put a military epaulette on his shoulder in order to pass for an officer in the suite of the first prisoner, he, the fourth prisoner, as speaking a little Dutch, was also the person who introduced the first prisoner as a Spanish

Captain to the wife of Petrus Gerhardus Louw, and who spoke with her frequently, asking her whether and when she expected her husband home, after that he knew and had acquiesced in the agreement that when said Louw should come home to seize and bind him on the first prisoner's saying "lay hold."

That the fifth prisoner being between the battery at the other side of the lines and Salt River on the 25th October last on the invitation of the first prisoner also joined the waggon, and when the intention and object of the journey was communicated to him not only immediately agreed thereto, but also took a very lively part in the execution thereof, he having, on the 27th of October, at the place of William Basson, with a sabre in his hand, immediately made himself known as one of the ringleaders, and also after that the son of the said William Basson, named Johannes Arnoldus, was pinioned by the first prisoner; on his mother coming to help him, he, the fifth prisoner, endeavoured to make her fast; besides that he assisted to bind many of the other farmers, the names of whom, however, he did not know, and also after that he had been at the place of Amos Lambrechts, where he assisted, in concert with the other prisoners, and particularly with the first prisoner, in collecting the people together at the next place of Gysbert van der Westhuizen, where the insurgents were divided into two parts, he was appointed by the first prisoner captain of the second band, together with the eighth prisoner, while he likewise, on the order of the first prisoner, appointed the ninth prisoner as his fellow captain.

That the sixth prisoner, who was before informed of the object of the first prisoner, was not only very active early in the morning of Thursday the 27th of October, on the order of the first and third prisoners to put the horses to his master's waggon, although his mistress expressly forbade him, and even ordered him to unharness, which orders he answered by saying that he dare not do so as the captain would beat him, but also, having ridden away with the waggon and the other slaves to the place of William Basson, assisted there to assemble the slaves, to bind the aforesaid Johannes Arnoldus Basson, and to put him into the waggon. He, the sixth prisoner, further, at the place of Pieter Basson, having received a horse and a sabre from the first prisoner, thus armed assisted in the command of the insurgents, and again, at the place of the widow Gobrechts, where the band was divided for the second time, he remained as head of one of the divisions, with which he at several

places executed and caused to be executed the plan which they had formed, and in particular was the commander of that party which plundered the most at the places of Hendrik Niekerk, Andries Willer, and Christian Storm, over and above which, at the place of Pieter van der Westhuizen, where he had a loaded gun in his hand, he dared to force the wife of the said Van der Westhuizen by placing the muzzle of the gun to her breast, into an outward chamber which she was passing by, and there to ravish her, and after the accomplishment thereof to compel her to go out of one of the doors of the room while he went out of the other.

That the seventh prisoner, who had been an old acquaintance of the first prisoner, and who had long before been informed by him of the above-mentioned plan, respecting which he had consulted with him, as also with the second and third prisoners at the time that they had been before at his master's place, and likewise on the morning of the 27th of October on the order of the first and third prisoners had put the horses to the waggon, and in opposition to the counter-order of his mistress continued to proceed, driving the waggon himself, and pursued his way with the other people to the place of William Basson, where he also assisted in binding Johannes Arnoldus Basson, while the seventh prisoner at the place of Amos Lambrechts went to the corn-land with the first and sixth prisoners, and there assembled the people of said Lambrechts in order to join them, and whom they persuaded that these were the orders of the general.

That the eighth prisoner being at work in the shop at the place of his master, when the insurgents came there took a saddle belonging to the smith Jan Basson, who lived there, and having put the same on a horse belonging to his master, mounted and accompanied the insurgents, and at the next place, being that of Gysbert van der Westhuizen, having procured a gun, was appointed one of the commanders on the band being divided, and as such he always conducted himself when, having arrived at the place of Andries Gousch he subdivided his party, and sent one division, under the direction of the ninth prisoner to the place of Dirk Verwey, while he, the eighth prisoner, continuing in the command of the other party, together with the fifth prisoner, proceeded to the place of the Field Cornet Nicolaas Mosterd, where the party under the ninth prisoner again joined them, at which latter place they, the eighth and fifth prisoners, sent off the sixteenth prisoner to

look for the above-mentioned Nicolaas Mosterd, who had hid himself, and likewise at the place of Melt van der Spuy, whom he caused to be brought home from the fields by two of his band and put into the waggon, in like manner as he forced Petrus Everhardus Laubscher into the waggon at the place of the Widow Laubscher at Deep River, as also at the place of Pieter Pienaar, whom they bound, but afterwards loosened him, and likewise at the place of Jan Louw, where he caused the horses to be brought out of the fields by the sixteenth prisoner.

That the ninth prisoner, who was at the place of Johannes Louw taking care of the horses of his mistress, on the orders of the first and sixth prisoners had not only joined the insurgents, but also at the place of Amos Lambrechts was active to break open the doors and take away the goods, and further having obtained at said place a horse and a gun from the sixth prisoner, he proceeded with the insurgents till he was appointed fellow captain by the fifth prisoner, in which capacity he continued to act together with the fifth and eighth prisoners at the place of Gysbert van der Westhuizen, and was also particularly active in guarding the Christians that they should not run away, among others when Petrus Everhardus Laubscher attempted to run away he called out "there he goes," and on the Widow Laubscher asking why they treated her son so, answered that she must ask the fifth prisoner, with which fifth prisoner he the ninth prisoner commanded the party which was sent to the place of Dirk Verwey, after which he again joined the party under the eighth prisoner at the place of Nicolaas Mosterd, and also had assisted to the end in the command of that party, which had broken and plundered at the places of the Widow Ockert Mosterd and Melt van der Spuy.

That the tenth prisoner, although he has not acted as one of the heads or ringleaders, still however he took a very active part in the insurrection and in the crimes committed on that occasion, he being armed with a sabre, which he procured at the place of Pieter Pienaar who had gone to the corn land at the farm of Jan Louw in order to fetch his wife from thence, and in like manner with the naked sabre in his hand compelled Dirk Verwey to harness his horses and put them to the waggons and deliver up his guns, as also at the place of Andries Gousch, whom they ordered to dismount from his horse, and further caused four Spanish dollars and six silver skillings to be paid at the place of the Widow

Ockert Mosterd in order that Nicolaas Everhardus Mosterd might hide himself, and likewise obliged the wife of Evert Laubscher to give a silver watch that she might conceal her husband.

That the eleventh prisoner having acted as corporal to the eighth prisoner, and being armed with a sabre which he had received from the eighth prisoner, he brought to the place of the Widow Laubscher at Deep River a leather thong in order to bind Pieter Everhardus Laubscher, and held Pieter Pienaar fast whilst he was tied by the eighth prisoner, he the eleventh prisoner having bound one of the sons of Pienaar himself, and afterwards being armed with a gun at the place of Melt van der Spuy, who endeavoured to defend himself with a knife, he threatened to shoot at him, adding that he must speedily bid good day to his wife, for that the waggons were ready and he must get in.

That the twelfth prisoner, who had heard the matter spoken of at his master's place from the other people, of the first prisoner's coming into the country, not only remained silent to his master and mistress of the circumstances, but also on the order of the first and third prisoners immediately proceeded with the other slaves to the place of William Basson and there assisted in assembling the people, also assisted to bind Johannes Arnoldus Basson, and likewise got on the top of one of the waggons to keep charge of the farmers who were tied.

That the thirteenth prisoner early on the morning of the twenty-seventh of October, with the seventh prisoner, assisted to put the horses to the waggon of his master, and notwithstanding the positive commands of his mistress to the contrary, he persisted therein on the orders of the first and third prisoners, the former of whom said at the place that the slaves must come to the Cape to be free, and that the Christians were to be bound, the first prisoner shewing a large paper which he said contained everything. He the thirteenth prisoner further having proceeded with the insurgents gave a sabre to the thirty-seventh prisoner at the place of Hugo Niekerk in order to take charge of the waggons, and also with a gun in his hand acted as one of the corporals, and at the place of William Basson assisted to catch the above-mentioned Johannes Arnoldus Basson in order to have him bound, although he the thirteenth prisoner did not assist in actually tying him.

That the fourteenth prisoner, after the evening he had seen the first prisoner and his company come to the place of his master,

and after that he was informed the following morning that the plan was to proceed to the Cape to demand the freedom of the slaves, and that for this purpose the white men were to be seized and brought to town, also on the orders of the first prisoner was immediately willing to follow them, and with the waggons and horses of his master left the place with his fellow slaves and pursued the journey to Cape Town, and while the insurgents were riding round to the different places he helped to receive and stow away in the waggon the bread which was taken away from the different farmers while they were plundering.

That the fifteenth prisoner also assisted by the orders of the first prisoner (whom he knew as a slave of William Kirsten) to put the horses to his master's waggon, notwithstanding he was forbidden by his mistress, and for this purpose had caught two horses which were grazing, and further after having ridden off with his fellow slaves from the place of his master to the next place, that of William Basson, in like manner on the orders of the first prisoner took the horses out of the stable, helped to put them to, and stood before the waggon while Johannes Arnoldus Basson was bound, he the fifteenth prisoner then with nothing else than a sjambok in his hand accompanied the insurgents on horseback.

That the sixteenth prisoner on the arrival of the rebels at the place of his master, being near the house, on the orders of the eighth prisoner caught his master's horses and put them to the waggon, and further having received a horse from the eighth prisoner he sought the herdsman, named Maurits, whom he brought to the eighth prisoner, which Maurits, being sent by the eighth prisoner to the place of Nicolaas Mosterd, he the sixteenth prisoner armed with a gun rode on horseback with said eighth prisoner to the place of Andries Gousch, when he the sixteenth prisoner on the order of the eighth prisoner rode to the corn land in order to call the people, whom he drove to the house, after which the eighth prisoner having caused the horses to be put to the waggons of said Gousch, and having there divided his troop into two parties, and sent the one under the command of the ninth prisoner to the place of Dirk Verwey while he the sixteenth prisoner, with the eighth prisoner and acting under him, rode to the place of Nicolaas Mosterd, where the eighth prisoner having ordered him to seek for said Mosterd, he the sixteenth prisoner armed with his gun on horseback did so accordingly, took this

man in the fields, and brought him home, after which having put him into a waggon, and pursued their journey to the Widow Ockert Mosterd's, he the sixteenth prisoner then kept charge of the waggons in order that the drivers might not leave them, and thereupon having ridden to the place of Melt van der Spuy, where finding a slave boy lying in the barley he seized him and forced him to tell where his master was, who together with his wife having thus been found and seized, he the sixteenth prisoner also assisted in driving them to the house before the horses, the fourteenth prisoner having given orders particularly to the thirty-second prisoner to fetch more people, who accordingly came in order to prevent said Van der Spuy and his wife escaping, after which the sixteenth prisoner with his party proceeded to Fishershok, then rode about among the waggons to see if everything was in order, and in which situation by the orders of the eighth prisoner he continued till that this party was apprehended at the Poles.

That the seventeenth prisoner, after the party had arrived at his master's place at the head of which were the first and sixth prisoners, and after they had bound his master and placed him in a waggon, having repaired upon the orders of these chiefs to the place of Adriaan Louw, Drooge Valley, and taking upon his further orders a horse and upon the directions of another slave boy a sword from a waggon, thus armed continued with the party, and ordered a slave named Joseph who in the name of his master had brought thither the newspaper not to go away, further that when the troop was divided at the place of the Widow Gobrechts into two parties, where the seventeenth prisoner was, he having remained with that small party which the sixth prisoner commanded, and being arrived at the place of Adriaan Louw at the Pheasant Kraal there stabbed one of the wheel horses belonging to the waggon of Nicolaas Laubscher, who had made his escape thither, in order to prevent his further flight, and having hereupon seized Lambert van Stellert, who resides there, held him fast while he was pinioned and brought to the waggon, the seventeenth prisoner likewise having been present with a sword in his hand at the place of Adriaan de Waal, when the sixth prisoner ordered him to be bound, and on the wife of said De Waal requesting of him not to take her husband with them, he told her, "I cannot help it, the captain gave these orders." He also ordered the said De

Waal to give wine to the people. That he the seventeenth prisoner after having been armed on horseback at the place of Christiaan Storm, he discovered the next morning Thomas Frederick Dreyer, who being overtaken by him at the head of some other people he ordered Dreyer to surrender the gun which he had with him, but Dreyer instead of consenting thereto threatened to blow his brains out, he thereupon made off, after which he the seventeenth prisoner went to the place of Jan Augustus Dreyer, where he ordered one Hermanus Greyling to open the shop and give up the saddles, with which order the said Hermanus Greyling complying opened the door of the shop, but in which no saddles were found.

That the eighteenth prisoner, when the first and fifth prisoners were arrived at his master's place with the waggon in which they came from Cape Town and with the other which they took from Petrus Gerhardus Louw, being ordered by the first prisoner to fetch a saddle and bridle, he took his master's from the loft and saddled his master's brown horse which had been taken out of the stable by the first prisoner, after which he according to the orders of the first prisoner mounted the same and rode behind him as his servant, he the eighteenth prisoner having also been armed with a gun which the first prisoner had given him at his master's place, with which he stood behind the waggon and saw that his master's son Johannes Arnoldus Basson was bound and put into a waggon by the slaves of Petrus Gerhardus Louw upon the orders of the first prisoner.

That the nineteenth prisoner having joined the insurgents at the farm of his master William Basson, and being armed with a gun, proceeded with them to the place of Amos Lambrechts, thereupon by order of the first prisoner helped to stop a smith named Jan Basson Albertus son for the purpose of having him bound by the other people.

That the twentieth prisoner, being appointed corporal by the first prisoner, was ordered by him at the place of Jan Louw to take a sword, command the people, and beat them if they did not behave well, upon the first prisoner's insisting and threatening him he took a sword, standing at the door with it when the other insurgents were employed pinioning the people, he the twentieth prisoner particularly having been present with the naked sword when Jan Louw was pinioned.

That the twenty-first prisoner, after he knew that the insurgents under the command of the sixth prisoner had broken open his master's cellar and plundered the same, demanded the waggon and horses, and took the same together with all the slaves with them, he nevertheless mounted his master's horse armed with a sword, both of which he had received from the sixth prisoner, and accompanied the insurgents to the places of Andries Willer, Christiaan Storm, Thomas Frederik Dreyer, Izaak de Villiers, and Johannes Augustus Dreyer, having been in the house of Andries Willer, as also in that of Christiaan Storm, which was particularly plundered, and constantly with the sword in his hand witnessed the stealing and breaking to pieces of the goods, he the twenty-first prisoner having likewise at the place of Johannes Augustus Dreyer apprehended two boys and conveyed them to the waggon with the naked sword in his hand, and also upon the orders of the sixth prisoner assisted in binding different persons.

That the twenty-second prisoner together with some of his fellow-slaves on the order of the first prisoner being driven from the land to the house, and having upon his order assisted in putting the horses to the waggon, he together with the insurgents left his master's place with the same, but the horses proceeding slowly, he on the orders of the first prisoner changed horses when they came to other places, which he caught for that purpose, he the twenty-second prisoner having likewise at the place of Adriaan Louw Senr. (a man upwards of seventy years old), called the Drooge Valley, whom he with the assistance of the other insurgents pushed forward and held fast while the others were employed in pinioning him, he having also seized Hugo van Niekerk by the arm in order that he might be tied, upon which he went away.

That the twenty-third prisoner, though a Hottentot and free-man, joined the insurgents at the place of his master Petrus Gerhardus Louw from the commencement on the declaration of the first prisoner that the orders of the Fiscal were that all the farmers and slaves were to go to Cape Town, and that the slaves were to be free, on which occasion he the twenty-third prisoner was armed with a gun which he received from the first prisoner, the muzzle of which he fixed to the breast of Adriaan Jacobus Louw (he having attempted to defend himself), in order that he might surrender for the purpose of being bound, as was afterwards accordingly done, all which he readily did upon the orders of the

first prisoner, because he had seen him dressed as an officer, as well as two other persons who, as he the twenty-third prisoner expressed himself, wore silver epaulets on their shoulders.

That the twenty-fourth prisoner, who had likewise joined the insurgents under the command of the sixth prisoner at his master's place, from thence rode with them to the place of Jacobus Louw, where the twenty-fourth prisoner had been in the house with a knife in his hand, whilst the sixth prisoner with those under him broke everything to pieces and carried away the goods, which knife he the twenty-fourth prisoner pointed to the wife of the said Louw in a threatening manner, because she endeavoured to take a cotton quilt from him which he had stolen, but upon which he was seized by fellow-slaves Abraham and Jasmin and thrown into the waggon to prevent his wounding the woman.

That the twenty-fifth prisoner having received from the eighth prisoner a horse belonging to his master and a gun, had therewith accompanied him with orders from the eighth prisoner that on his dismounting he was to hold the horse, and that in case the people endeavoured to escape he was to fire on them. In consequence of which he fired at random from the stoep of the place of Melt van der Spuy in order to frighten the people, he having likewise been in one of the rooms of that house after the door of the same and the cabinet were forced, from which he took a handkerchief and a calico petticoat, in which room he the twenty-fifth prisoner had his gun with him, he having likewise been in the house at Fishers hok when the eighth prisoner had taken the guns out of it.

That the twenty-sixth prisoner, being driven from the corn land to the house by the sixth and seventh prisoners, was likewise taken from his master's house, and received at that of Gysbert van der Westhuizen from the captain a horse and a gun with injunction to watch the waggon and the people, which he the twenty-sixth prisoner had accordingly done, and at other places surrounded the houses with the other insurgents who were on horseback, to take care that neither slaves nor Christians should make their escape, whilst he the twenty-sixth prisoner also assisted in taking the guns out of the house at the farm of Johannes Nicolaas Louw, P.'s son, and at the place of Hendrik van Niekerk he rode to the corn land to call the people, he having likewise acted as one of the principals at Michiel de Kok's farm, where he, armed with a gun, called two of the slaves.

That the twenty-seventh prisoner had been on horseback armed with a gun with the insurgents commanded by the sixth prisoner, in which manner he always rode before the party likewise on horseback to those houses that were attacked and plundered, and so armed entered the houses of Isaac de Villiers and Johannes Augustus Dreyer, and in like manner proceeded with the other insurgents who were also on horseback to the place of Christiaan Storm, where he remained on the stoep whilst the other insurgents were plundering and breaking open, he the twenty-seventh prisoner being moreover arrived armed as aforesaid at the farm of Arend de Waal, compelled his daughter to tap wine for the people, saying that he was the second captain.

That the twenty-eighth prisoner, being likewise taken away with the insurgents, had received and accepted a gun from the captain of the same in order to take care that the Christians should not escape, which order he the twenty-eighth prisoner duly obeyed, stopping the people as well at Gysbert van der Westhuizen's as at Adriaan Louw's, senior, at Drooge Valley, with the gun so that the others could catch them.

That the twenty-ninth prisoner among other things upon the orders of the eighth prisoner assisted in taking out the waggon and putting the horses to it at the place of Nicolaas Mosterd, and in calling the people together, as also in the house of said Mosterd by the order of the eighth prisoner kicked open the door of a room to look for a gun, but which he did not find.

That the thirtieth prisoner, although none other of the insurgents went to the farm of Jan Rabe, had alone gone thither, armed with a gun, where he ordered Rabe in the name of the captain to be within two hours at the Widow Gobrechts with all his waggons and people, and further having knocked the lock off the door with the butt end of his musquet, he took two guns out of the same, upon which the said Rabe caused him to be bound, and gave him a blow in his face, when he threatened Rabe that he would inform his captain thereof, and that Rabe would be treated in the same manner, he the thirtieth prisoner after Rabe with his family had left the house, being unbound by the slaves with the consent of the overseer, upon which he left the place and joined the rebels, he being afterwards seen on horseback with a gun in his hand at the place of Hugo van Niekerk.

That the thirty-first prisoner, having always been with the

insurgents on horseback armed with a sword, assembled the people at Jan Louw's to join the party under the command of the sixth prisoner.

That the thirty-second prisoner, having received his master's saddle horse from the eighth prisoner at his master's farm, there mounted the same armed with a gun, and followed the troops, afterwards proceeding with the sixteenth and thirty-eighth prisoners to the place of Melt van der Spuy for the express purpose of finding him, and having found him, he upon the order of the sixteenth prisoner went to fetch more people from the house, when on the thirty-second prisoner's call more came accordingly.

That the thirty-third prisoner, having upon the orders of the sixteenth and thirty-ninth prisoners, however with the consent of his mistress, put the horses to the waggon, and having ridden away with the same, he with two others at the place of Nicolaas Mosterd on the orders of the sixteenth prisoner went in search of the wife of the said Mosterd, and demanded from her (who could not walk) the keys of the house and the different rooms, he having likewise been in those apartments, in which the chests were opened and the goods taken out, without his having received anything for his share, having only gone into the house to see if he could get any wine or brandy which he knew to belong to Nicolaas Mosterd, when having proceeded and arrived at the farm of Melt van der Spuy he went into the cellar and drank wine out of a bucket, which wine he knew to have been got by the door of the cellar having been broken open.

That the thirty-fourth prisoner, though he had only been a little time with the insurgents, had for all that not evinced less activity, for a waggon with two Christians and a slave boy having arrived at Salt River and being stopped there (being the waggon of Peter Gideon Joubert and William Lategan) and the said Pieter Gideon Joubert being struck with a stone on his head by the captain and bound, he took him from the captain and conveyed him to one of the waggons of the insurgents, having likewise said to one Hendrik Prehn who lives in that neighbourhood, that he was a boasting fellow, and reproached him with having once innocently beaten him, upon which he asked him to allow him to rest there, which Prehn he afterwards helped to bind on the captain desiring him so to do.

That the thirty-fifth prisoner, having received a gun from the

captain, upon his orders watched Adriaan Louw senior and his son, who were both bound, he the thirty-fifth prisoner having likewise told to Jan Louw P. son that if he wished to be released he need but give some money to the captain.

That the thirty-sixth prisoner having after his master was bound upon the orders of the first and sixth prisoners joined the insurgents and proceeded with them to Gysbert van der Westhuizen's, where the troop being divided into two parties he the thirty-sixth prisoner continued with that of the eighth prisoner as corporal, and received a gun from the first prisoner at the house of said Gysbert van der Westhuizen, he having also watched the prisoners in a waggon.

That the thirty-seventh prisoner, after having been compelled at his master's place by the sixth prisoner, who pointed a gun at his breast, to follow the insurgents, which he having done was at his arrival at the place of Gysbert van der Westhuizen provided with a gun, and being mounted on horseback at the place of Hugo van Niekerk was also furnished with a sword, riding behind the people to prevent them from escaping, he having likewise upon the orders of the captain with the sword under his arm called the people together at Hendrik van Niekerk's, in order to follow the gang.

That the thirty-eighth prisoner, being on horseback at Melt van der Spuy's place with a stick in his hand, and having together with the sixteenth and thirty-second prisoners found the said Melt van der Spuy together with his wife and children, he had driven them before the horses to the house in compliance with the orders of the eighth prisoner, that he the thirty-eighth prisoner having opposed the fifth prisoner, he was threatened by him with a gun.

That the thirty-ninth prisoner, acting as servant to the eighth prisoner, had been on horseback, and for some time kept the gun of the eighth prisoner, and in this manner was present at Jan Louw's Albertus son, when the eighth prisoner compelled the wife of the said Louw to give more wine.

That the fortieth prisoner, happening to be in the country with his master at the time of the insurrection, received a horse and gun from the captain at the place of Adriaan de Waal at Pheasant Kraal, and in this manner continued with the gang, always riding before the same with such of the others who were also on horseback, looking after the goods which were brought out of the

houses, of which he did not receive any for his share, but only drank some wine.

That the forty-first prisoner, being arrived on horseback with a drawn sword before the door of the house of Peter Jacob de Villiers, upon the orders of the chief of the party caused the slaves to be assembled and the horses to be put to the waggons, he however did not appear to be more than fourteen years of age, and afterwards left the gang and went home.

That the forty-second prisoner, notwithstanding the orders of his mistress to the contrary, on the directions of the first prisoner assisted in putting the horses to his master's waggon, and together with the party left the place on the first prisoner's saying that they were to go to Cape Town and that the great men had sent for all the slaves.

That the forty-third prisoner, knowing the first and third prisoners had quitted his master's place with the waggon, continued with the insurgents on their route.

That the forty-fourth prisoner, being taken from his master's farm, afterwards received a gun from the first prisoner, and mounted on horseback rode behind the people to prevent their escape, but in the lock of which gun there was no flint.

That the forty-fifth prisoner, having been with the party under the command of the sixth prisoner, first sat in a waggon, but afterwards mounted a horse (which another had let go) at the place of Izaak de Villiers, and having a sjambok he rode to the place of Johannes Augustus Dreyer, where with the sjambok in his hand he desired Hermanus Greyling, who was employed tapping wine for the people, upon the orders of the seventeenth prisoner to give a larger glass.

That the forty-sixth prisoner, who is however very young being only thirteen years of age, being dispatched by the fifth prisoner from the place of Andries Gousch to Dirk Verwey, on his coming there called the said Gousch (pretending to have a message from his wife) and told him that there were waggons arrived from the interior, when at the same time there were none others but those of the insurgents.

That the forty-seventh prisoner as driver had driven the waggon of Hendrik Matfeld with which the five first mentioned prisoners left Cape Town, and notwithstanding his master told him that the

waggon was hired for one day and was to return that evening, he nevertheless on the bare saying of the first prisoner that the waggon was hired for five days and that the sum of one hundred rixdollars had been paid to his master for the same, suffered himself to be prevailed upon to continue the journey, and although he moreover saw on the way near the place of Petrus Gerhardus Louw that the first prisoner, whom he knew to be a slave, put on a military dress and caused himself to be introduced to the wife of the said Louw by the second and fourth prisoners, he then not only kept silent to the wife of Louw, but even put the horses to his waggon the next morning at the desire of the first and third prisoners, without even then giving any information of what had happened to the wife of Louw, or in the least assisting her against the orders which the first prisoner gave respecting her waggon and slaves.

That the forty-eighth prisoner at the place of the Widow Ockert Mosterd on the orders of the eighth prisoner asked a slave girl for the keys of the bureau or cabinet, but without having done any further harm, on the contrary he having at the place of Andries Gousch loosened his mistress's son named Pieter Everhardus Laubscher, and at the place of Pieter Pienaar he asked them for clothes for his sons, which he helped them to put on.

That the forty-ninth prisoner, against whom severe charges were exhibited as well by Johannes Augustus Dreyer, and especially by Christian Storm, has not only positively denied the truth of this accusation, but also referred to his master and other people as evidences of his good behaviour. It appeared from the evidence called by him that he was driver of the waggon in which his master was placed, that he drove the same at the express desire of his master, that in this waggon likewise sat Nicolaas Willem Laubscher, who saw him the forty-ninth prisoner leaving the waggon now and then, but did not see him do anything in favour of the insurgents, that he protected his master against those who endeavoured to bind him, that on one of the others handing him a gun he took off the lock and gave it to a bastard Hottentot named Kaatze, by which means the gun was left at his master's place, that a sword being given him on the way he had endeavoured to break the same against his knee, but this not succeeding he had thrown the same along side the way into the corn, that whilst at

the farm of the brothers Adriaan and Jacobus Louw, when the twenty-fourth prisoner threatened Maria Christina Louw with a knife, he had pushed him from her and opposed the breaking of the things. That he had likewise protected the wife of Godlieb Andries Willer against those who crowded against her, having gone into the houses of these places with the consent of his master to assist the people.

That the fiftieth prisoner, though he joined the insurgents at his master's place and acted as driver, did not take any particular part in the outrages that were committed, he having on the contrary loosened the two sons of his master, Johannes Arnoldus Basson and Peter Basson, who had been bound by the others.

That the fifty-first prisoner, although he went from his master's place (the first where the rebellion began) with the insurgents, was however compelled thereto, when employed discharging his duty as milk man.

And whereas the seven first prisoners are guilty of high treason, and the other prisoners in different degrees of public violence, without their having been able to allege anything essential in their defence, and moreover none of the slaves prisoners in this case having any complaint to bring in against their masters, they having on the contrary unanimously declared to have been well treated; and whereas such crimes cannot be tolerated in a country where justice prevails, but on the contrary ought to be punished according to the rigour of the law and circumstances, as an example, and to deter others from doing the like:

So it is, that the Court having read and examined the criminal indictment and demand of the prosecutor, together with the prisoners' confessions and further documents exhibited, together with a memorial of suggestion on behalf of the second and fourth prisoners, and having taken everything into mature consideration that deserved attention or could move the Court, they, as administering justice in the name and on behalf of His Britannic Majesty, do condemn, as they are hereby condemned, the prisoners mentioned in the head of these presents, with the exception of the forty-ninth prisoner, to be brought to the usual place of execution, and there being delivered over to the executioners, the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh, sixteenth, seventeenth, twenty - first, twenty - second, twenty - fourth, and

twenty-fifth prisoners, Louis from Mauritius, James Hooper, Abraham from the Cape, slave of Jan Wagenaar, Michael Kelly, Adonis from Ceylon, Cupido from Java, Jephta from Batavia, Jonas from the Cape, Jan, alias Massok, from Mozambique, Fortuin from Mozambique, Mey of the Cape, Geduld from Mozambique, Damon from Malabar, Adonis of the Cape, Plato from Bengal, and Antony from Madagascar, to be hanged by the neck till they are dead, the bodies of the first, second, third, and fifth prisoners to be quartered, and the said quarters to be exposed upon stakes at the gibbets outside the town, the body of the fourth to be put into a coffin, brought to the gibbet, and buried underneath the same, the body of the sixth prisoner to be brought to the district of Tygerbergen, that of the seventh prisoner to the district of Zwartland near the place of Petrus Gerhardus Louw, that of the eighth prisoner to the district of the Koebergen, and that of the ninth prisoner to the Poles, and the bodies of the other prisoners who are condemned to suffer death to the gibbet, in order there (the sixth, seventh, eighth, and ninth prisoners along the public road in the above-mentioned districts on stakes expressly erected) to be hung in chains, thus to remain till consumed by the birds of the air, further the tenth, twelfth, thirteenth, eighteenth, twentieth, twenty-sixth, twenty-seventh, and twenty-ninth prisoners, Tiberius of the Cape, slave of Amos Lambrechts, Jacob from Mozambique, Izaak from Mozambique, both slaves of Petrus Gerhardus Louw, Galant from Mozambique, Spadille from Bougies, both slaves of Willem Basson, Kees of the Cape, slave of Amos Lambrechts, Abraham of the Cape, slave of the widow Jordaan, Ontong from Baly, slave of Andries Gousch, to be exposed under the gallows with a rope round their necks, and further together with the fourteenth, fifteenth, nineteenth, twenty-third, twenty-eighth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, and forty-seventh prisoners, François and Francis from Mozambique, both slaves of Petrus Gerhardus Louw, Goliath from Madagascar, slave of Willem Basson, Dirk Jager, Hottentot, Alexander from Madagascar, slave of Johannes Louw, Jacob's son, Solomon from Mozambique, slave of Johannes Louw, Nicolaas Son, Francis from Mozambique, slave of Willem

Basson, Zephir from Mozambique, slave of Nicolaas Mosterd, Willem of the Cape, slave of Andries Gousch, Ar.e Abel, Hottentot, Rotterdam from Timor, slave of the widow Fick, Goliath and Colair from Mozambique, both slaves of Amos Lambrechts, Jacob of the Cape, slave of Dirk Verwey, Piquet of the Cape, slave of Gysbert van der Westhuizen, April from Mozambique, slave of Hercule Sandenberg, Lodewyk of the Cape, slave of Hendrik Albertus van Niekerk, Mey and Cupido from Mozambique, slaves of Petrus Gerhardus Louw, January of the Cape, slave of Michiel de Kok, August of the Cape, slave of Adriaan Louw of the Pheasants Kraal, and David of the Cape, slave of Hendrik Matfeld, to be tied to a stake and severally scourged with rods on their bare backs, and the tenth, twelfth, thirteenth, fourteenth, fifteenth, eighteenth, nineteenth, twentieth, twenty-third, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, and thirty-seventh being thereupon branded, the tenth, twelfth, thirteenth, eighteenth, twentieth, twenty-sixth, twenty-seventh, twenty-ninth, thirtieth, and thirty-fourth prisoners for life, and the fifteenth, twenty-third, and thirty-third each for the term of twenty-five years to be confined in irons at Robben Island or elsewhere, thus to labour at the public works without wages, and the fourteenth, nineteenth, twenty-eighth, thirty-first, thirty-second, thirty-fifth, thirty-sixth, and thirty-seventh each for the term of fifteen, the thirty-ninth and fortieth each for the term of ten, the thirty-eighth, forty-first, forty-second, and forty-fourth prisoners each for the space of five, and the forty-third and forty-fifth each for the term of three years, to be put in irons and thus to be returned to their masters, the forty-sixth, forty-eighth, fiftieth, and fifty-first prisoners, Apollos of the Cape, slave of Amos Lambrechts, Jason of the Cape, slave of the widow Laubscher, Izaak of the Cape, slave of Willem Basson, and Abraham from Mozambique, slave of Petrus Gerhardus Louw, after having witnessed the execution of the above prisoners, the forty-sixth to receive correction from the Kaffers in the prison, and with the forty-seventh, forty-eighth, fiftieth, and fifty-first to be returned to their masters.

Absolving the forty-ninth prisoner, Abraham of the Cape, slave of Adriaan de Waal, from all further prosecution, and releasing

him from his detention, with condemnation of the other prisoners in all the costs and expences of this prosecution, respecting the further or other claim and demand of the prosecutor against the fourth, tenth, twelfth, thirteenth, fourteenth, fifteenth, eighteenth, nineteenth, twentieth, twenty-third, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirty-first, thirty-second, thirty-third, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, and forty-seventh prisoners.

Thus done and judgment passed in the Court of Justice at the Cape of Good Hope the 7th of December 1808, and after having received the Fiat of his Excellency the Governor and Commander in Chief pronounced on the 31st following.

(Signed) O. G. DE WET,
 C. MATTHIESSEN,
 L. C. H. STRUBBERG,
 A. FLECK,
 P. J. TRUTER,
 P. DIEMEL,
 W. HIDDINGH.

In my presence.

(Signed) G. BEELAERTS VAN BLOKLAND, Secretary.

A true Translation.

(Signed) HENRY MURPHY, Sworn Translator.

Fiat Execution, with the reservations contained in my Letter to the Court bearing date the 29th day of December 1808.

(Signed) CALEDON.

The Court having perused his Excellency the Governor and Commander in Chief's letter here above mentioned, and acquiescing in the mitigation of punishment thereby granted, directs in pursuance thereof the punishment of the culprits mentioned in the foregoing sentence to be executed in the following manner:—

That the culprits being brought to the place of execution, the first, second, third, sixth, and seventh prisoners, Louis from

Mauritius, James Hooper, Abraham from the Cape, Cupido from Java, and Jephta from Batavia, shall be hanged by the neck till they are dead, and the bodies of the first prisoner Louis shall be brought to the poles, that of the second prisoner James Hooper to the usual gibbet outside the town, that of the third prisoner Abraham to the district of the Koebergen, and that of the seventh prisoner Jephta to the district of Zwartland, to be hung in chains on stakes expressly erected along the public road in the above mentioned districts, thus to remain till consumed by the birds of the air.

That the eighth, ninth, seventeenth, and twenty-fourth prisoners, Jonas from the Cape, Jan or Massok from Mozambique, Geduld from Mozambique, and Plato from Bengal, shall be banished and confined to labour in irons for life at Robben Island or elsewhere at the public works without wages.

That the eleventh, sixteenth, twenty-first, twenty-second, and twenty-fifth prisoners, Fortuin from Mozambique, Mey from the Cape, Damon from Malabar, Adonis from the Cape, and Antony from Madagascar, shall be banished and confined to hard labour in irons for the term of fifteen years at Robben Island or elsewhere at the public works without wages.

That the tenth and thirty-fifth prisoners, Tiberius from the Cape and Rotterdam from Timor, shall be severely scourged and confined to hard labour in irons for the space of five years at Robben Island or elsewhere at the public works without wages.

That the eighteenth prisoner Galant from Mozambique shall be severely scourged and confined to hard labour in irons for the space of three years at Robben Island or elsewhere at the public works without wages.

That the nineteenth, twentieth, twenty-third, and thirtieth prisoners, Goliath from Madagascar, Spadille from Bougies, Dirk Jager, and Solomon from Mozambique, shall be severely scourged and then returned to their masters.

That the forty-sixth prisoner, Apollos from the Cape, shall be moderately scourged and then returned to his master.

That the remainder of the prisoners shall witness the punishment and then be returned to their masters.

The execution of the sentence passed upon the fourth and fifth prisoners, Michael Kelly and Adonis from Ceylon, being suspended until His Majesty's pleasure will be known.

Thus done in the Court of Justice at the Cape of Good Hope, the 31st of December 1808, and pronounced the same day.

(Signed) O. G. DE WET,
 C. MATTHIESSEN,
 L. C. H. STRUBBERG,
 A. FLECK,
 P. DIEMEL,
 W. HIDDINGH.

In my presence.

(Signed) G. BEELAERTS VAN BLOKLAND, Secretary.

[Copy.]

*Letter from the EARL OF CALEDON to the President and Members
 of the Court of Justice.*

GOVERNMENT HOUSE, December 29th 1808.

GENTLEMEN!—I herewith transmit my decisions upon your sentences. I return you my sincere thanks for the laborious and accurate manner in which you have discharged your most painful duties.

Aided by the light you have furnished me with, I have attempted to discharge my duty in the support of the laws of this Colony, those of Great Britain and the great and immutable principles of justice, the foundation of the laws of our respective countries.

I have been anxious to protect the ignorant and misled from the consequence of their folly.

I have been anxious to appropriate a gradation of punishment to crimes not capital.

I have felt it my duty to exercise the authority entrusted to me by my sovereign in making such examples as I hope will long prove the means of preserving the tranquillity of this Colony.

I confirm the sentence passed upon the 1st, 2nd, 3rd, 6th, and 7th prisoners, dispensing with that part of it which directs that after death their bodies should be quarter'd.

In the case of the 4th prisoner, Michael Kelly, and of the 5th prisoner, Adonis from Ceylon, I suspend the execution of the

sentence passed upon them until His Majesty's pleasure is known.

I commute the sentence of death upon the 8th, 9th, 17th, and 24th prisoners to banishment and labour in irons for life, and the sentence of death passed on the 11th, 16th, 21st, 22nd, and 25th prisoners to banishment and hard labour in irons for the term of fifteen years.

I further direct that the 10th prisoner Tiberius should be scourged and confined to hard labour in irons for the space of three years, that the 19th, 20th, 23rd, and 30th be scourged and then liberated, that the 35th prisoner, Rotterdam, be scourged and confined to hard labour in irons for the space of five years. And that the 46th prisoner, Apollos, be moderately scourged and delivered over to his master. The remainder of the prisoners to witness the punishment and to be liberated or returned to their respective proprietors.

A sufficient military force will be ordered to attend for the maintenance of the inviolability and dignity of justice.

I have etc.

(Signed) CALEDON.

Return showing the Population and Cattle in the Possession of Individuals at the Cape of Good Hope
in the Year 1808.

	CHRISTIANS:		HOTTENTOTS:		SLAVES:		CATTLE:		Asses.	Pfes.	
	Men above 16 Years.	Men under 16 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Breeding Cattle.	Wethers.	Sparish Sheep.		
Cape Town.	3,263	& do	3,034	& do	202	& do	5,513 & do	3,322 & do	..	..	..
Cape District	802	& do	630	& do	343	& do	3,154 & do	1,139 & do	..	..	..
Stellenbosch.	1,427	1,015	885	1,138	..	669	489	525	4,437	915,1,820	820
Swellendam.	1,357	1,279	807	1,334	6	1,011	665	1,068	674	1,429	284
Graaff Reinet	1,168	1,477	873	1,454	..	1,316	1,028	1,601	990	790	173
Uitenhage.	560	688	403	674	..	456	423	623	395	270	92
Tulbagh.	895	833	607	974	1	868	650	977	682	1,593	375
Total.	9,472	5,292	7,239	5,574	7	4,896	3,255	5,303	3,266	17,186,2,039	8,516,1,828
										63,596,130,808	15,424,1,581,218,11,622,296,375
										29	3,705

Return showing the State of Cultivation and Quantity of Land occupied at the Cape of Good Hope in the year 1808.

	MUIDS SOWN:		MUIDS REAPED:		VINES.	Leagues of Wine.	Leagues of Brandy.	Waggons.	Carts.	Freehold Places.	Land Places.	LANDS IN FREEHOLD:		LANDS IN QUIT-RENT:					
	Wheat.	Rye.	Wheat.	Rye.								Oats.	Rye.	Places.	Freeh.	Mores.	Places.		
Cape Town	..	..	..	..	..	..	..	..	..	..	..	2	..	..	506	469	..		
Cape District	..	..	..	..	..	..	..	..	..	..	..	86	..	..	9,673	31	..		
Stellenbosch	5,613	1,097	1,565 $\frac{1}{4}$	92	50,302 $\frac{1}{4}$	17,264	18,884	810	25,555,418 $\frac{1}{4}$,396	1,265	163	..	214	348	..	15,714	373	..	
Swellendam	1,648	387	39 $\frac{1}{4}$	2	30,204 $\frac{1}{4}$	12,368 $\frac{1}{4}$	826	27	1,216,252	397 $\frac{1}{4}$	116 $\frac{1}{4}$	984	48	..	495	20	46	..	
Graaff Reinet	268 $\frac{1}{4}$	147 $\frac{1}{4}$	..	0 $\frac{1}{4}$	5,593 $\frac{1}{4}$	2,734	..	10	439,470	146	30 $\frac{1}{4}$	1,036	19	..	348	1	33	..	
Uitenhage	..	322 $\frac{1}{4}$	80	1	..	5,604	1,131	6	..	106,182	22 $\frac{1}{4}$	3 $\frac{1}{4}$	489	8	..	152	..	..	..
Tulbagh	..	2,856 $\frac{3}{4}$	791 $\frac{1}{4}$	412	226 $\frac{1}{4}$	36,730 $\frac{1}{4}$	14,257	5,260 $\frac{1}{4}$	2,810 $\frac{1}{4}$	1,250,915	563 $\frac{1}{4}$	104 $\frac{1}{4}$	971	112	..	535	30	28	..
Total	..	10,708 $\frac{1}{4}$	2,502 $\frac{1}{4}$	2,018	3220 $\frac{1}{4}$	128,436 $\frac{1}{4}$	47,754 $\frac{1}{4}$	24,976 $\frac{1}{4}$	3,657 $\frac{1}{4}$	28,568,237 $\frac{1}{4}$	5,255 $\frac{1}{4}$	823 $\frac{1}{4}$	4,745	350	..	1,832 $\frac{1}{4}$	399	107	25,893,873
																		..	694
																		..	1,087

[Copy.]

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope, for the Year 1808.

REVENUE:

		Rixds.	skil.	st.
	Balance	122,896	6	4
Lombard Bank	.	44,632	1	5
Vendue duties	.	122,905	0	4
Customs	.	64,138	0	0
Land revenue	.	90,687	3	5
Tithes and transfer duties	.	158,162	4	0
Stamps	.	63,268	6	0
Sequestrator's department	.	11,578	2	1
Printing department	.	8,509	5	0
Port dues	.	5,545	4	0
Postage	.	4,694	0	0
Fines	.	10,498	5	3½
Fees of offices	.	8,319	5	4
Annual repayment by Stellenbosch	.	3,000	0	0
Purchase money of lands	.	275	0	0
Rent of a mill	.	305	2	4
Old paper money formerly in circulation and omitted to be exchanged	.	728	3	0
Grain fund.	.	55,000	0	0
Prize money	.	107,123	5	0
Miscellaneous receipts	.	12,233	2	0
		Rixds.	894,502	2 0½

EXPENDITURE:

Civil list, sterling salaries	.	161,732	6	4
Colonial Salaries	.	172,555	5	5
Public buildings (erection of new and repairs of old buildings, &c.)	.	18,199	2	3
Cape regiment	.	81,747	2	4
Commissariat department, an advance of	.	50,000	0	0
Burgher senate, on account of interest	.	4,281	0	0
Expenses of offices	.	16,431	6	5½
Criminal prisoners and convicts	.	9,377	0	0
Bible and school fund, in aid of the same	.	3,000	0	0
Freight and passage money, travelling expenses, &c.	.	3,000	0	0
House rent and lodging money	.	1,000	0	0
Repair of the wharf	.	8,560	0	0
Agricultural board	.	5,580	5	0

EXPENDITURE—(continued).

	Rixds.	skil.	st.
Government Constantia wine	3,572	5	0
Timber	17,331	7	4
Roads, bridges, &c.	6,368	2	4
In lieu of old paper money formerly in circulation	728	3	0
Lombard bank	230,000	0	0
Expenses of Dr. Cowan and Lt. Donovan's journey into the interior	13,225	1	2
Miscellaneous expenditure	10,002	4	4
Balance	77,807	4	1
	<hr/>		
	Rixds.	894,502	2 0 $\frac{1}{3}$
	<hr/>		

MISCELLANEOUS RECEIPTS:—1808.

	Rds.	skil.	st.
Court of justice, in reimbursement of the salaries of the clerks, &c., paid in the first instance from the government treasury	6,000	0	0
Fiscal's department; the amount of expenses refunded by several masters whose slaves were criminally prosecuted and afterwards returned to them	668	2	0
Inspector of government lands and woods; the amount received from several individuals, whose memorials for land have been referred to him and Mr. Wernich	3,065	0	0
Colonial paymaster; the money advanced to Captain M'Kenzie of the Cape regiment	2,500	0	0
	<hr/>		
	Rixds.	12,233	2 0
	<hr/>		

SUNDRY EXPENDITURE:—1808.

	Rds.	skil.	st.
Mr. Laurens, in reimbursement of certain transfer duties	126	5	2
Mr. J. Birnie, in reimbursement of certain export duties	282	3	0
Mr. Guides, master of the Portuguese ship Constantia, the amount of provision laid in for the use of thirteen Spanish prisoners of war, bound to Rio de la Plata	240	0	0
Premiums given to the highest bidders at the farming of the Groenekloof places	775	0	0
C. Bird, Esq., acting colonial secretary, the amount of fees received on the orders for issuing gunpowder	675	0	0
Mr. Handy, in reimbursement of certain transfer duties	246	2	0

SUNDRY EXPENDITURE:—1808—(continued).

	Rds.	skill.	st.
Landdrost of Graaff-Reynet, the amount of sundry articles purchased by him for public purposes .	1,205	0	0
C. Bird, Esq., acting colonial secretary, the amount of fees received on the orders for issuing gunpowder	505	2	0
J. P. Baumgardt, the expenses of the surveys of several pieces of land memoraled for by individuals	2,328	0	0
Premiums given at the farming of the wine licenses .	775	0	0
Ditto, ditto.	962	4	0
C. Bird, Esq., acting colonial secretary, the amount of fees received on the orders for issuing gunpowder	449	5	0
Barrau & Maismeuve, in reimbursement of certain transfer duties	506	5	2
Mr. McDonald, in reimbursement of export duty paid by him	200	0	0
C. Bird, Esq., acting colonial secretary, the amount of fees received on the orders for issuing gunpowder	725	2	0
	Rds.		
	10,002	4	4

(Signed) J. W. STOLL, Rec^r Gen^l.

—
[Copy.]

Letter from the CHAIRMAN and DEPUTY CHAIRMAN of the East India Company to W. HUSKISSON ESQRE.

EAST INDIA HOUSE, 4th January 1809.

SIR,—The East India Company having engaged to supply the Colony of the Cape of Good Hope with commodities the produce of India and China under certain regulations, and it having been stipulated in the 5th regulation that the Paper Currency received by the Company's Agents on account of the Sales of the Articles in question should be received by the Government Officers, they giving their bills on England at a fixed rate of Exchange.

We have to request you to submit to the Lords Commissioners of His Majesty's Treasury that directions be given to the Commissary and Deputy Paymaster at the Cape of Good Hope to

receive whatever Paper Currency the Company's Agent may tender them, they giving their Bills on England, and as the Lords Commissioners of His Majesty's Treasury were desirous that the rate of Exchange should be a fixed one, we have to express the readiness of the East India Company to acquiesce in the establishment of any rate that may, under all circumstances, be considered to be fair and equitable, and with this view we have the honor to propose the adoption of the rate of 20 per cent premium, upon the ground that this rate prevailed unvaried from 1798 to 1802 during the former occupation of the Colony by the British, when from the absence of all extraordinary circumstances to affect it, it may be supposed to have found its proper level.

We have further to request that their Lordships will be pleased to take the subject of our present communication into consideration at their earliest convenience in order that the determination of Government may be as speedily as possible conveyed to the Cape, to the end that the intentions of Government and the expectations of the East India Company in respect to the benefit to result from the regulations mutually agreed on may not be disappointed.

We have, &c.

(Signed) EDWD. PARRY,
 CHA. GRANT.

[Office Copy.]

Letter from E. COOKE, ESQRE., to the EARL OF CALEDON.

DOWNING STREET, 10th Jany. 1809.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the Bearer, Mr. De Neys, to proceed to join his friends in the Colony of the Cape of Good Hope. I have etc.

(Signed) E. COOKE.

[Office Copy.]

Letter from LORD CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 16th Jany. 1809.

MY LORD,—I herewith transmit to your Lordship the Copy of a letter which Mr. Cooke has received from Mr. Fawkener, dated the 10th ultimo: and I am to request that your Lordship will take the earliest opportunity of enabling me to furnish the Committee of Privy Council for Trade and Plantations with full and detailed information on the subject of their enquiries. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from E. COOKE, ESQRE., to HENRY ALEXANDER, ESQRE.

DOWNING STREET, 16th Jany. 1809.

SIR,—I herewith transmit to you the Copy of a letter from a Mr. Murray stating that a debt of £2200 is due to him from a Person of the name of Arnold Jan Vander Tuuk, now residing at the Cape of Good Hope. Lord Castlereagh has no doubt that justice in the case will be done in the usual manner. I have etc.

(Signed) E. COOKE.

[Original.]

Letter from the REV. DR. HALLORAN to VISCOUNT CASTLEREAGH.

CAPE TOWN, CAPE OF GOOD HOPE, 17th January, 1809.

MY LORD,—I have the honor to transmit for your Lordship's consideration the Copies of two Memorials successively addressed to His Excellency the Earl of Caledon, and of his replies to them. The accompanying Testimonium is subscribed by every respectable British Inhabitant of this place, and will, at least, tend to evince their sense of my services and the high regard and estimation in which I have the Honor to be consider'd by them. How far it may be availing to the Completion of their, and my very earnest Solicitations, it must rest with your Lordship to decide: and from

my knowledge of your Lordship's high Character for Candor and Justice I presume to hope that decision will not be unfavorable. Under this impression I forbear to offer any Comment on the Subject of my Memorial, with the exception of a single Observation. That, as I am authorized to state the superplus of Revenue in the Colonial Treasury for the last year at 115,000 Rixdollars (nearly £20,000 Sterling) my petition for remuneration, as it is allow'd to be perfectly reasonable, cannot be consider'd objectionable on the plea of any financial deficiency.

I shall beg leave only to add, That I have (under Sanction of His Excellency the Governor, and at a very serious expence) form'd in this Colony an Establishment for the Education of Youth in Classical, Mathematical, and Commercial Learning, which had long been a desideratum: And I have also more recently established an Institution for female Education, under the Conduct of my Daughters. To the candid Consideration of an enlighten'd and liberal Government I respectfully refer for the degree of Support and Encouragement due to a Gentleman of my Character and profession, thus devoting his time, his talents, and substance, to the formation of Establishments confessedly so much wanted, and so conducive to the improvement, and Civilization, and prosperity of British Subjects in this remote quarter of the Globe!

I have, &c.

(Signed) L. H. HALLORAN, D.D.,
Chaplain to His Majesty's Forces.

[Enclosure 1 in the above.]

CAPE TOWN, CAPE OF GOOD HOPE, December, 1808.

We, whose names are subscribed, Inhabitants of this town, and members of the English Congregation, do voluntarily, and as an act of Justice, bear the fullest testimony, That the Reverend Doctor Halloran, Chaplain to His Majesty's Forces, has discharged all the professional duties of Colonial Chaplain for the Civil Inhabitants of this Town, by regularly performing Divine Service, in the Reformed Church, twice every Sunday; by the due Administration of the Sacraments; by visiting the Sick, and interring the Dead; in a very exemplary, impressive, and edifying manner, highly creditable to himself and equally beneficial and

satisfactory to the Congregation, who therefore earnestly desire his continuance as their Minister.

W. Wilberforce Bird	G. Reynolds	J. B. Ebden
John Murray	Jno. Elmore	Thos. Melvill
Henry Phillips	H. Murray	Joseph Johnson
K. Duncan	Ed. E. Pand (?)	Fredk. Roesch
Jno. R. Thomson	Thos. Rowles	J. Martinson
W. F. Venables	John Houghton	M. Morrison
(Name illegible)	Richd. Shepherd	James Ross
Francis Fynn	Edward Smith	Rob. Stuart
Jno. Thos. Campbell	Alexr. Watts	Alex. Walker
Matt. Gall	A. M. Tennant (?)	James Dick
J. E. Mestaer	Evan Rogers	Robert Row
J. C. Cadogan	Hamilton Ross	James Kelly

[Enclosure 2 in the above.]

To His Excellency the Earl of Caledon, Governor and Commander in Chief.

The Memorial of Laurence Halloran, Doctor of Divinity and Chaplain to His Majesty's forces, respectfully setteth forth

That your Memorialist has now for the Space of a Year, under Sanction of Your Excellency's approbation, and that of the Honble. the Commander of the forces, perform'd Divine Service twice every Sunday for the Civil British Inhabitants of this Town, (independently of all his military duties as Chaplain of the forces), has attended to the Catechetical Instruction of their Children, and to the Administration of the Sacraments, has visited the Sick, and inter'd the Dead, and that he has perform'd these important Offices of Religion in an exemplary manner, as certified by the accompanying Attestation, with facility to himself and with entire satisfaction to the Congregation !

That your Memorialist therefore respectfully submits to Your Excellency's consideration, whether having faithfully and conscientiously, and satisfactorily to the British Inhabitants, discharged the various duties of Colonial Chaplain (an Appointment which he is given to understand will shortly be transfer'd to another Clergyman), he be not fairly entitled for the Year past, as well as for the farther Interval till the Arrival of the Gentleman

nominated to that appointment, to such Salary and Allowances as may be attached to it by His Majesty's Government.

For such remuneration Your Memorialist respectfully solicits the honor of Your Excellency's Order, and for which he will gratefully acknowledge Your Excellency's favorable attention.

L. H. HALLORAN.

Reply to the Memorial of the Revd. Doctor Halloran, praying a Remuneration for the Colonial Clerical serviees performed by him in this Settlement.

"Under all the Circumstances of this Case, His Excellency the Governor does not feel himself authorised to comply with the Memorialist's request.

Castle of Good Hope, 23rd December 1808.

By Command of His Excellency the Governor.

HENRY ALEXANDER."

[Enclosure 3 in the above.]

To His Excellency the Earl of Caledon, Governor and Commander in Chief.

The Memorial of Laurence Halloran, Doctor of Divinity and Chaplain to His Majesty's forces, respectfully setteth forth

That Your Excellency's reply to your Memorialist's former petition praying remuneration for extra-official professional services actually perform'd, as most respectfully attested, having stated, "That Your Excellency does not feel authorised to comply with the request which it convey'd," your Memorialist presumes to infer from this Answer that Your Excellency is not wanting in inclination, but conceives a deficiency of Delegated Authority to meet and to requite those services agreeably to the tenor of your Memorialist's Request,

Your Memorialist begs leave respectfully to submit to your Excellency's farther Consideration, that *his* Case affords the only Instance in this Colony in which a person *called upon* to perform the duties of no less than *three* Distinct Appointments, duties confessedly of high importance, and discharged to the general satisfaction and Advantage (as most amply and respectfully testified to Your Excellency), receives only the Emoluments

attach'd to one of those Situations, Allowances so very limited as to place your Memorialist, (a British Clergyman of public and acknowledged respectability of Character and Conduct), in Circumstances inferior to those even of the *Sexton* of the Dutch Church, and greatly so to those of his immediate predecessors during the former Occupancy of this Settlement by the British Government.

Your Memorialist begs leave to state, that his Clerk, receiving the pay of one shilling per day as a Soldier, tho' exempted from all military duty, is allow'd also by Your Excellency's Warrant the additional pay of one shilling per day for acting in the civil capacity of Clerk! Your Memorialist therefore refers to Your Excellency's Justice and candid Consideration, Whether with the Addition to his own military obligations of the Clerical Duties of Colonial Chaplain, (in a late Instance of a most painful and distressing Nature having been called upon by His Majesty's Fiscal to attend for several days in his Dungeon and at the place of Execution James Dent, a British Subject, hang'd 7th January), and performing also every professional Service for the Naval Department, it can be considered reasonable or proper that he should be allow'd to remain a solitary Exception from the general principle of fair and equitable Remuneration for such actual services!

Your Memorialist impress'd with a strong Conviction of the Justice of his Claims, confirm'd and supported by the Opinion of the whole Body of the British Residents, and feeling it a duty to his family, with such support, to submit those Claims to the Consideration of His Majesty's Government at Home, very respectfully solicits Your Excellency, that you will be pleased to transmit his former Memorial and the Testimonial which accompanied it to His Majesty's Secretary of State for Colonial Affairs, with such recommendation to attention as Your Excellency may consider due to the Justice of the Case and to the public professional services of your Memorialist, who will be truly grateful for Your Excellency's Aid and Assistance in the Attainment of that Remuneration to which he presumes to flatter himself his pretensions are as indisputably well founded as they are unanimously admitted and encouraged by the voluntary Acknowledgements of the British Inhabitants of this Colony!

[Enclosure 4 in the above.]

SECRETARY'S OFFICE, 14th January, 1809.

SIR,—I am directed by His Excellency to acknowledge the receipt of your Memorial and Testimonium, which testimonium is herewith returned.

His Excellency will write his view of your Situation as a British Clergyman, acting as a Military Chaplain in this Settlement, to His Majesty's Colonial Secretary. I have &c.

HENRY ALEXANDER.

The Reverend Doctor Halloran.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
W. W. POLE.*

Caledon in TABLE BAY, 19th January 1809.

SIR,—His Excellency the Earl of Caledon, Governor of this Colony, having furnished me with a copy of His Majesty's Order in Council, by which I am authorized to select for His Majesty's Naval Service such a number of Men condemned as Slaves, captured in Vessels of the Enemy, as I may from time to time judge expedient; and the Ships and Vessels of the Squadron under my command being in general very short of their respective complements, I have already received seventy-two men and eleven boys, which I have directed to be borne as supernumeraries for Victuals only, on board the different Ships in which they are disposed, until I receive their Lordships further directions.

Some of them, who had been on board the *Grampus* for six or eight months, are already extremely useful, and I should think a considerable resource would be found in them, if the Navy had the preference in the selection, it being directed that the Army should in this respect have the preference.

The number of 15 or 20 may be very well employed in the *Leopard* and *Raisonable*, but on this Station more than 4 or 6 in the smaller vessels ought not to be trusted, for as most of the Vessels captured have slaves on board, it would not be safe to have too many Blacks who were become Seamen.

There are still many on whom Sentence is not yet passed, and who will become disposeable on the arrival of a Judge of the Admiralty Court in the room of Mr. Cassels deceased,

I have, &c.

(Signed) A. BERTIE.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, January 20th 1809.

MY LORD,—In continuation of my Letter of the 11th of November last I have the honor to report that of the number of Insurgents who were made prisoners by the Military on the 27th of October, 51 were selected as the most guilty and against whom there were specific charges adduced of so flagrant a nature as to require an Investigation by the laws of the Country.

The Court of Justice accordingly commenced its sittings, which continued until the 12th of December, when the President transmitted me his report of which No. 1 is a Copy requesting at the same time my sanction for carrying into execution the several sentences which had been awarded.

That I might be the better enabled to form my opinion upon so important a subject I required from the Court the examinations of the parties No. 2 and after mature deliberation I wrote a Letter to the Court of which No 3 the Copy is annexed. To this Letter I refer your Lordship for the different gradations of punishment to which I found it my duty to give a sanction and as the guilt of all was sufficiently manifest, I shall rather dwell upon the motives which induced me to respite Michael Kelly and Adonis than assign reasons for confirming the sentences in those instances in which they were fulfilled.

Sixteen were condemned to death, of these Six may be said to have been guilty of high treason, viz. Louis, James Hooper, Abraham, Jephta, Michael Kelly, and Adonis. The four first underwent the sentence of the Law, and the following are the grounds upon which I have suspended execution upon the others until I am made acquainted with His Majesty's pleasure.

1st. Because I conceived the infliction of capital punishment

upon four of those unfortunate men and upon a country slave named Kupido was a sufficient example to deter others from similar attempts.

2ndly. Because their crime was not attended with the aggravating circumstances which marked the guilt of the others.

In regard to M. Kelly, he appears not to have been an original party concerned in forming the plot, but merely to have acceded to it upon the representation of Hooper, and although no doubt exists as to his guilt, yet the only testimony adduced against him of a criminal nature is that of Mrs. Louw's, who deposes to his giving colour to the pretence of Louis. In other respects he is no farther implicated than what appears by his own confession and the declaration of the other criminals. In the case of Adonis, he does not appear to have been originally apprized of the design but to have been accidentally and casually met with in the course of the journey. He perpetrated no particular acts of violence, although described as particularly active in the furtherance of the plan.

I pray your Lordship to remark that no man has suffered upon his own confession alone, no man on the accusation of his accomplices or upon less than the testimony of two competent witnesses to overt acts of treason or public violence.

I hope my Lord! those documents which I transmit will be sufficient to enable your Lordship to judge upon the motives which influence my decision.

Those Individuals to whom mercy has been extended have shown themselves as sensible of gratitude as they previously were of their error, and if in his great goodness His Majesty should be graciously pleased to grant forgiveness to the unfortunate culprits still under condemnation, I am sanguine in believing that such a mark of Royal Humanity would have its just effect upon the Prisoners and upon the community at large. I have &c.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, January 20th 1809.

MY LORD,—Since I last wrote I have received Your Lordship's commands contained in the dispatches numbered 16, 19, 20, and shall attend to the contents.

The private Ship *Rose* arrived here on the 12th Instant from Port Jackson, when Mr. Brooks, the Master, delivered a letter to Vice Admiral Bertie, of which No. 1 is a Copy. The Vice Admiral having communicated to me its contents, we agreed upon the necessity of securing the persons of Messrs. James Symons and John Blaxland, the former as belonging to His Majesty's Service was put under arrest, the latter was confined after a previous examination before the Commissioners of the Court of Justice grounded upon the deposition of Mr. Brooks, copies of which are enclosed.

In consequence of Governor Bligh having stated that Mr. Blaxland was one of the principal persons concerned in seizing his public and private papers, I directed all written documents in his possession to be secured, and have now the honor of transmitting them together with the dispatches marked 1 and 3, endorsed with Governor Bligh's signature, as also one Box to your Lordship's address, endorsed Lieut. Governor Foveaux.

I hope your Lordship will not be of opinion that I adopted too strong a course in securing the Persons and Papers of Mr. Blaxland. The papers I transmit by this conveyance, and Admiral Bertie has ordered Mr. Blaxland to be received on board His Majesty's Ship *Powerful*, which will sail shortly with the India Fleet, when I shall again have the honor of addressing Your Lordship.

His Majesty's Ship *Raisonable* arrived on the 12th Instant from the Isle of France, whilst cruizing she captured a vessel under the Arab flag, on board of which were papers, the copies of which I herewith transmit.

Your Lordship will perceive amongst others the abstract of a Commercial treaty enter'd into between France and Persia. I shall take the earliest opportunity of forwarding this information

to the Governor General of India, the Governor of Bombay and Sir Herford Jones. I have etc.

(Signed) CALEDON.

P.S.—Upon an application which I have just received from Mr. Blaxland, I shall forward his papers (which seem mostly of a private nature) by the vessel in which he takes his passage.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 21st of January 1809.

MY LORD!—Upon the arrival of Mr. Blair in this Settlement he produced a Commission from my Lords Commissioners of His Majesty's Treasury constituting him Collector of the Customs at the Cape of Good Hope, in consequence of which although he bore no other document or instruction I did not hesitate to direct that the customary Oaths should be administered to him, and I then issued my Warrant empowering him to act in such manner as the several duties of his Office might require. On the 10th of January I received a letter from Mr. Blair declining to accept this Warrant, but in answer to one from me written upon the 20th Instant requiring to know whether he persisted in his refusal, I received a Second Letter intimating his Compliance, but reserving the right of laying the case before My Lords Commissioners. To this I have acceded, and under the circumstances I am obliged in the first instance to pray Your Lordship's attention to the several inclosures and then to the following reasons which influenced my judgment in addition to those expressed in the inclosures.

1st. In pursuance of a rule specified in the dispatch No. 20 wherein it is laid down that whenever any difference exists the "decision ad interim should be formed according to the last precedent within the Colony and the case be referred for final decision to the consideration of His Majesty's Ministers." Now my Lord it has been the invariable usage of the Colony from its establishment under the British Flag to the present time that the Collector of the Customs should hold the Warrant of the Governor. My Lord Macartney issued his Warrant to Mr. Greene, although he was appointed from home, in like manner I issued a Warrant

to the former Collector, Mr. McLean, of which the one tendered to Mr. Blair was similar, neither of them varying in any other manner from the Warrant of my predecessor except in the necessary Form of his Style and Title.

2dly. Because I considered it my bounden duty to see that the due collection of His Majesty's Revenues should not be endanger'd from the want of a proper authority in the person deputed to receive them and enforce the payment.

3dly. Because I could not see by what construction the acceptance of my Warrant did in any way invalidate the authority of the Lords Commissioners, but on the contrary appeared as giving it the necessary additional and local effect.

Having submitted these reasons, I beg in continuation to observe that the proceeds of the customs here form a branch of Colonial Revenue, the Collector's Accounts are not even transmitted home, except to Your Lordship, but are examined and passed by the Colonial Auditor, his Salary is paid from the Colonial Treasury, and he is in every respect except by the signature of their Lordships a Colonial Servant whose Appointment (I hope I do not presume too far) should in my humble judgement rest in Your Lordship's department.

I rely My Lord on you for explaining to My Lords Commissioners that I accepted their Commission if not as a full authority at least as a designation of the Person whom I was to appoint, but the document which he produced neither expressed his salary nor vested him with the Powers necessary to give effect to his authority. My instructions and commission inform me that I am to appoint to certain Offices only until His Majesty's pleasure is communicated, and that pleasure is to be signified either under the Royal Sign Manual or through one of the principal Secretaries of State. In this case I have received no instruction of such a nature, nor any notification of a transfer of the Customs to the Treasury of England, under which circumstances as the Courts of law here (according to the report of His Majesty's Fiscal) could not without my warrant recognize the powers of the Collector I should certainly have suspended Mr. Blair had he not accepted it, and as Mr. Blair alludes to a knowledge of this by intimation, I am to observe it was equally intimated to him that if no office occur'd by which I could give him income until His Majesty's pleasure was taken (as in the

case of Mr. Fagel) I should from my high respect for the Warrant of My Lords Commissioners have ordered the Salary drawn by his predecessor to have been continued to him.

I have etc.

(Signed) CALEDON.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
W. W. POLE.*

Caledon, TABLE BAY, 21st January, 1809.

SIR,—I have the honor to submit to the consideration of their Lordships the Copy of a Letter from Mr. Clark, the Master Shipwright of the Naval Yard at the Cape of Good Hope, suggesting the expediency of training up to certain Trades therein mentioned some of the Government slaves; and beg to recommend to their Lordships the utility of the measure proposed, as offering resource in the great scarcity of Artificers in this Colony. I have &c.

(Signed) A. BERTIE.

[Original.]

*Letter from CHARLES BLAIR, ESQRE. to the Lords Commissioners
of His Majesty's Treasury.*

CAPE TOWN, CAPE OF GOOD HOPE, 21st January, 1809.

MY LORDS,—The Lords Commissioners of His Majesty's Treasury having been pleased by their Warrant bearing date the 6th day of September 1808 to appoint me to the Office of Collector of His Majesty's Customs at the Cape of Good Hope, I have the honor to acquaint their Lordships of my arrival here on the 16th ultimo, having immediately waited on His Excellency the Governor of the Colony, and presented to Him the Warrant of my Appointment, I was forthwith sworn into Office and notified in the Colonial *Gazette*, and continued in the exercise of the duties of my Office until the 10th January instant, when a fresh Warrant of Appointment, a copy of which I herewith have the honor to

transmit, under the Seal of His Excellency the Earl of Caledon was sent to me from the Office of the Colonial Secretary, bearing date the 16th December 1808.

Having received my Original Appointment at the hands, and under the Seals of the immediate Representatives and Administrators of His Majesty's Government, it appeared to me that to acknowledge the validity of an Official Instrument from a subordinate authority thereto would in this case have been a dereliction from those principles of Obedience due from me to the Lords Commissioners of His Majesty's Treasury, by whom I have been invested with this Office, and to whom I primarily hold myself responsible for the faithful discharge of the Trust they have been pleased to repose in me. I therefore returned the Warrant of His Excellency the Governor, accompanying it by the letter I have the honor to inclose a Copy of, marked No. 1, to which after a lapse of ten days I received the answer, a copy of which also accompanies this, No. 2: in the intermediate time I was given to understand, in several interviews which took place between the Colonial Secretary, that in the event of my persisting to refuse the Warrant, and thereby disavow the authority of His Excellency, it was his determination to suspend or supersede me. Being thus placed most unexpectedly in a situation extremely embarrassing, under circumstances which I conceive to be unprecedented; having embarked with my whole Family at a very serious expence for a distant Colony, where many months must elapse before the Pleasure of their Lordships can be known; upon a mature deliberation of the inconveniences to which my family might be exposed by the adoption of the measure intimated, I addressed His Excellency this day a letter, a Copy of which I transmit marked No. 3, by the tenor of which their Lordships will perceive that in accepting a Warrant of Appointment from His Excellency, I have not departed from my former sentiments, and have reserved to myself the right of making that representation of the circumstances to their Lordships which it forms a part of my Duty to do, looking to them for that Support and Sanction, to which I trust a zealous discharge of my duty to them may entitle me. I have etc.

(Signed) CHARLES BLAIR, Collector of Customs

[Original.]

Letter from GEORGE HARRISON, ESQRE. to EDWARD COOKE, ESQRE.

TREASURY CHAMBERS, 25 January, 1809.

SIR,—I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you Copy of an Application of the Chairman and Deputy Chairman of the East India Company dated 4th Inst. relative to the supply of the Cape of Good Hope with Commodities the produce of India and China, and I am to request you will submit the same to the Consideration of Lord Castlereagh and move his Lordship to favour this Board with his opinion on the subject of the said Application. I am &c.

(Signed) GEO. HARRISON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 3rd of February 1809.

My Lord!—Vice Admiral Bertie having afforded me an opportunity of forwarding Mr. Blaxland to England by His Majesty's Ship *Powerful*, I have the honor to transmit you his private papers referred to in my last dispatch, and Captn. Johnstone, the Commander of the ship, will no doubt apprise your Lordship of his arrival.

As Mr. Blaxland wrote me a letter intimating that his health had suffered under confinement in prison, and as he may possibly make a similar statement to your Lordship, I beg to enclose a letter from His Majesty's Fiscal upon the subject, for the purpose of refuting the fallacy of such an assertion.

By the next opportunity I shall submit for your Lordship's inspection the accounts of the last half year. I have etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 4th February 1809.

My Lord!—Together with the Accounts of the Receiver General for the Months of September, October, November and December, I have the honor to transmit the several Proclamations and Government Advertisements issued between the 14th October and 24th December 1808. I have &c.

(Signed) CALEDON.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
W. W. POLE.*

Albion, TABLE BAY, 16 February 1809.

SIR,—I have the honor to transmit for the information of their Lordships copies of my correspondence with Mr. Pringle, Agent to the East India Company, relative to certain Ships belonging to the East India Convoy under His Majesty's Ship *Albion*. In reference to the subjects to which they allude, I have to observe that I gave Orders in the first instance that no man belonging to the East India Company's Ships should be impressed: a general permission to enter I never encouraged or permitted. I ordered every ship to be mustered by certain Captains of the Squadron, that I might judge how far they were individually able to spare men. The plan I proposed of a draft of three Men from each Ship was a measure perfectly assented to by Captains Ramsden and Robinson of the *Phoenix* and *Surat Castle*, who were further of opinion that most of the Ships could spare that number of men without inconvenience; but Mr. Pringle seems to have determined on nothing short of absolute resistance to the giving up a single man. As it respects the Deserters I have ordered the Captains to examine if the Men declaring themselves deserters were Bona fide so, or if it was a pretence to be received.* * *

The Master Shipwright and Carpenters of the Squadron have considered it expedient to reduce the *Albion* to the establishment

of a 50 Gun ship in masts and yards, and she having only 32 Guns on board, there appeared no reason why her men should not also be reduced in the same proportion: finding therefore the impracticability of getting any assistance from the India Ships and the *Caledon* and *Seaflower* being both ready for sea, but wanting 80 men to compleat them, I directed 70 men to be discharged from the *Albion* into the *Thais*, they having been from England since 1802, and I have manned the *Caledon* and *Seaflower* from the *Thais*, which will enable them to sail with the *Nereide*, which latter Ship having joined from Bombay, I have ordered the *Thais* to return to England in pursuance of their Lordships' Order.

That the *Albion* may not be at a loss for men at her pumps, the only use for which she can require them, I have sent on board forty Dutch seamen, prisoners; and shall add twenty Black men, recently condemned as Slaves, if it is the opinion of Captain Ferrier they will be requisite. I have &c.

(Signed) A. BERTIE.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
W. W. POLE.*

Leopard, TABLE BAY, 18th February 1809.

SIR,—I had the honour, by my letter of the 16th instant, to make known to their Lordships that the *Nereide* having arrived on the 26th ultimo at this anchorage, I no longer detained the *Thais*: I am concerned to state that her return at that period was occasioned by a serious mutiny having taken place on board, which was quelled by the spirited and instant exertions of Captain Corbet and his Officers, aided by the steady good conduct of the Royal Marines. This appears to have originated in consequence of no opportunity having offered of Captain Corbet's meeting a Court Martial in India, for which he had pledged himself to the Ship's Company of the *Nereide* to apply, and which (from the ignorance of seamen) they considered he was evading, when exerting his utmost for the public Service; for the further particulars I refer their Lordships to the Sentences of the Courts

martial and the Minutes, which I hope to receive in time from the officiating Judge Advocate to transmit by the present occasion. Their Lordships will also receive the sentence of acquittal in the case of Captain Willoughby, against whom charges have been preferred by the Ship's Company of the *Otter*; and I trust the example that has taken place, and the fair investigation by which these Officers have been acquitted will operate to the perfect restoration of Order and subordination.

The *Raisonable* is gone round to Simon's Bay; but having received their Lordships' directions for her return to Europe, I shall give orders that she may not be heeled more than is found to be absolutely requisite, that the least possible expence may be incurred, as she will necessarily proceed to England when any reinforcement shall arrive from thence; and in the interim the service imperiously requires that she should resume her station off the Isle of France so soon as she is refitted.

I have the honor to transmit for the information of their Lordships a Copy of my Orders to Captain Corbet, under which he is on the point of sailing with the vessels therein referred to. I trust they will meet the approval of their Lordships, and that he will be successful in effecting the objects proposed. It is my intention that the *Leopard*, *Otter*, and *Charwell*, so soon as they are severally ready, should for the present watch the ports of the Isle of France, whilst the *Nereide* proceeds to the annoyance of the Enemy at their different points of Rendezvous. * * *

The utmost exertions have been employed in putting the *Albion* in a state to enable her to proceed to Europe, following the plan proposed by the Master Shipwrights and the Carpenters of the Squadron. I have &c.

(Signed) A. BERTIE.

[Copy.]

Letter from CAPTAIN WOOLCOMBE to VICE ADMIRAL BERTIE.

ISLE OF FRANCE, 28th February 1809.

SIR,—It is with the greatest concern I have to acquaint you of the Capture of His Britannic Majesty's Ship *Laurel* under my Command, on the 12th of September last, off Port Louis, Isle of France, by the French National Ship *La Cannoniere*, mounting 52

guns and having on board 450 men, after an action of one hour and a half within Pistol Shot. The *Cannoniere* had left that Port on the evening of the 11th, having been previously informed by some Passengers who had been captured and sent on shore of the inferior force of the *Laurel*. The *Laurel* was rendered unmanageable by having every Lift, Brace, Bowline, all the Running Rigging, and the greater part of the Standing Rigging shot away and the Slings of the Main Yard; as also two 18 Pr. Cannonades on the Quarter Deck and the aftermost Gun on the Main Deck disabled.

Finding it impossible to cope with so superior a force and in working order, I thought it my duty to spare the effusion of blood, to surrender, conceiving no good could arise to my Country from a longer resistance, and I trust that on an investigation of my conduct it will be found that I have faithfully fulfilled my duty to my King and Country.

I cannot speak too highly of the conduct of the Officers and Crew, and have only to regret the inferiority of our force.

I feel it a duty incumbent on me to express my acknowledgements for the assistance I received from Captain Lynne, who was a passenger on board to join His Majesty's Sloop *Charwell*.

I am happy to say we had none killed, and herewith enclose a list of the wounded, one of whom died after undergoing Amputation, the others are in a state of recovery. I have etc.

(Signed) J. C. WOOLCOMBE.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint W. S. van Ryneveld Esqre. President of the Worshipful the Court of Justice in this Settlement in the room of O. G. de Wet Esqre., who has resigned with great honour.

Castle of Good Hope, 4th March 1809.

By Command of His Excellency the Governor.

(Signed) H^y ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint J. A. Truter Esqre. His Majesty's Fiscal in this Settlement in the room of W. S. van Ryneveld Esqre. who is appointed President to the Worshipful the Court of Justice.

Castle of Good Hope, 4th March 1809.

By Command of His Excellency the Governor.

(Signed) H^y ALEXANDER, Secretary.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas representation has been made to me that frequent Thefts and other Irregularities are committed in the Cape and Simons Town by Slaves and free people of Colour who, under the name of Coolies or porters, ply for Hire at the Wharfs and in the Streets of the before mentioned Towns. Now in order to put a stop to such practices in future, and at the same time to establish regularity and good order amongst that useful class of People, I do hereby order and command that henceforth no person of Colour whatsoever shall under any pretence act as a Coolie or porter, unless such person or persons shall have previously enrolled their names at the Fiscal's and shall have received from his Office a numbered Ticket, which they shall wear hanging round their Necks as a Badge of their Employment; and any person or persons of Colour acting contrary to these my positive Orders and Commands shall, if a Free person, upon conviction be imprisoned for the space of Three months, and if a slave, shall, besides corporal punishment, be condemned to work at the public works for the abovementioned Space of time; and any Free person of colour who shall lend his Ticket to another shall be imprisoned for the space of Six Months, besides receiving corporal punishment, and in case of Death the Relations and Friends of the Deceased are hereby ordered and commanded, under the Penalty of Five

Hundred Rixdollars, to return immediately to the Fiscal's office the Ticket possessed by the Deceased. The same Rule and Regulation is strictly enjoined to the Master or Mistress of any slave who shall have acted as Coolie, under the penalty, in case of disobedience, of Five Hundred Rixdollars likewise.

And I do hereby caution all the Inhabitants and strangers who may arrive here not to employ any person to carry burthens for them who is not possessed of that public mark, as they must do it at their own risk, their property being no longer recoverable by Law if lost.

And I do further authorize and empower the Fiscal to inflict all the pains, and to levy all the penalties, that those who disobey these my orders and Commands will become liable to; and in case complaint being made of any person or persons who shall have obtained a Ticket to act as Coolie or porter having behaved contrary to the Regulations hereby established or such as shall be established by the Burgher Senate under my Authority, the Fiscal has full power given to him to inflict on the Offender such punishment as the nature of the offence may require. And all Constables and peace Officers and other persons in the employment of Government are called upon to give effect to this proclamation.

And that no one may plead ignorance thereof, it is hereby directed to be published and affixed in the usual manner, and to be in force from the 10th day of this next ensuing April.

Given under my Hand and Seal at the Cape of Good Hope, this 16th day of March 1809.

(Signed) CALEDON.

[Office Copy.]

Letter from LORD CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 17th March 1809.

MY LORD,—I received your Lordship's dispatch inclosing copies of intercepted letters which Vice Admiral Bertie has transmitted to the Lords of the Admiralty respecting the state of the Island of Mauritius and desiring instructions for the regulation of your conduct in the event of any requisition for part of the garrison of

the Cape of Good Hope being employed for the reduction or garrison of that island.

In answer thereto I am to signify to your Lordship his Majesty's commands that in the event of any application being made to you by Vice Admiral Bertie for garrisoning the island of Mauritius or Bourbon you do concert measures with the commander of the forces for detaching a European regiment for that service.

In order to put your Lordship in possession of the views of Government I inclose a copy of a secret order which has been sent to the Governor General and Council of Bengal upon the above subject. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from Lord CASTLEREAGH to LIEUTENANT GENERAL GREY.

DOWNING STREET, 17th March 1809.

SIR,—I inclose to you the copy of a letter I have written to Lord Caledon upon the contingency of an application being made for part of the garrison of the Cape of Good Hope being detached to the Mauritius, and am to signify to you his Majesty's commands that you do in the contingency stated in the said letter concert measures accordingly with the governor. I have etc.

(Signed) CASTLEREAGH.

[Original.]

Letter from JOHN BARROW, ESQRE. to EDWARD COOKE, ESQRE.

ADMIRALTY OFFICE, 29th March, 1809.

SIR,—I am commanded by my Lords Commissioners of the Admiralty to send you herewith Copies of a Letter and its Inclosure from Vice Admiral Bertie, suggesting the expediency of training up to certain Trades some of the Government Slaves at the Cape of Good Hope, for the use of His Majesty's Naval Yard

at that Settlement; and I am to desire that you will be pleased to lay the same before Lord Castlereagh, with their Lordships' request that he will give the necessary directions on this subject to the Governor of the Cape of Good Hope. I am &c.

(Signed) JOHN BARROW.

[Copy.]

Government Advertisement.

His Excellency the Governor and Commander in Chief having taken into his consideration that the increased population of the Settlement has rendered the Duties of His Majesty's Fiscal so arduous as to make it impossible for him to attend to the Interior arrangement of the Cape District as has hitherto been the case: His Excellency has determined upon separating the Duties of Landdrost from those of the Fiscal, and has in consequence been pleased to appoint J. Zorn Esq. to be Landdrost of the Cape District, who will act under the Regulations and Instructions subjoined. His Excellency has also thought proper to appoint a Court of Heemraaden for this District, to be formed by the present members of the Matrimonial Court, together with Messrs. Gysbert van Reenen, of Rondebosch, and Melt van der Spuy, of Koebergen, which Court of Heemraaden will act under particular Instructions this day communicated to them, and which will be made public in the ensuing Week's *Gazette*.

Castle of Good Hope, 31st March 1809.

By Command of His Excellency the Governor.

(Signed) H^y ALEXANDER, Secretary.

Instructions for the Landdrost of the Cape District.

Article 1. The Cape District shall be under the direction of a Landdrost and Heemraaden, with such other Subordinate Officers as shall be hereafter named.

2nd. The Jurisdiction of the Cape District is limited from the Lines to the known Boundaries between that and Stellenbosch.

3rd. Here is however to be excepted the Ward No 26 beyond the Lines called Papendorp and the Town in Simons Bay, usually named Simon's Town for so far as concerns Simon's Town alone, and thus the Deputy Fiscalship there remains directly under the Superintendance, and as an immediate Branch of the Fiscal's Office in Cape Town.

4th. The Landdrost of the Cape District is also to act as President of the Matrimonial Court and Court for the Decision of petty Law Suits.

5th. The Members of this Board, after having transacted the Usual Business of the Matrimonial Court and Court for the decision of petty Cases are then to act as Heemraaden of the Cape District.

6th. The Subordinate Divisions of this District are under the same Fieldcornets as at present, which Fieldcornets in the Environs of their fixed limits do also exercise a part of the Public Service, agreeable to a particular Instruction, and are to comply with the Orders of the Landdrost, or Landdrost and Heemraaden.

7th. The Landdrost, as well as the Board of Landdrost and Heemraaden, receive their necessary Orders immediately from the Governor and Commander in Chief, excepting only their Judicial Authority, concerning which they are obliged to respect and follow the Decrees of the Court of Justice.

8th. In Criminal Cases the Landdrost is subject to His Majesty's Fiscal, to whom therefore he shall be obliged to give due information of all Crimes committed in his District, and to pay attention that the perpetrators are promptly and regularly pursued. The Fiscal as Chief Officer of Justice has also the right of prevention, to wit whenever he shall have been the first to arrest or confine the Malefactor, or in case he has been the first to obtain proofs concerning the Crime committed, or in cases of such a magnitude or nature as are considered by the Governor or the Court of Justice to require the prosecution to be conducted by His Majesty's Fiscal.

9th. The Vendue Mastership in this District is entirely unconnected with the Landdrost or with the Secretary.

10th. The Landdrost shall have a yearly income of Three Thousand Five Hundred Rixdollars, commencing from the date of his appointment, and is to be paid every Quarter out of the Colonial Revenues.

11th. The Landdrost shall, in his capacity of Officer of Justice, not be allowed to receive any other penalties, or part thereof, than those fixed by Law or are Lawfully granted to him from all remaining penalties: if they amount to Fifty Rixdollars or less, the half is to be paid to the poor, one fourth to the Under Sheriff, and one fourth to the Constables of Justice belonging to the Sheriffalty; and whenever they amount to more than Fifty Rixdollars, Twenty Five are to be deducted thereof and to be divided between the Under Sheriff and Constables in two equal portions, and the remaining part is to go to the Colonial Treasury.

12th. The Landdrost of the Cape District receives his Appointment from the Governor and Commander in Chief, and follows these Instructions in the execution of his functions, which are however subject to such alterations and amendments as His Excellency the Governor may from time to time think proper.

13th. He preserves the supreme power of His Britannic Majesty, and takes care that no person under any pretence whatever maketh the least encroachment thereon.

14th. The protection of all persons, property, and possessions, and the promotion of the prosperity of the District over which he is appointed, must be his principal aim.

15th. To do this with any effect, his first endeavour ought to be to obtain a perfect knowledge of all persons living in his district, their profession and relations, as well as their Estates, Land and products.

16th. He will pay particular attention to the education of the youth, and will endeavour to make the means for that purpose convenient to every family; he will endeavour especially to encourage Youth in industry, by treating the laborious farmer with attention, and thus making them view the situation of such farmers as respectable and of the highest benefit for this Colony.

17th. The Original Natives of this Country, the Hottentots, must be considered and treated as free people, who have a lawful abode in the Colony, and their persons, property, and possessions ought for that reason to be protected the same as those of other free people.

18th. The Landdrost must constantly bear in mind that this Colony's prosperity depends on the quantity and goodness of its produce; he endeavours to convince the Inhabitants of his District,

as much as possible, of this truth, and uses every leading means to promote the same.

19th. The improvement of Cattle being of the greatest importance, the Landdrost is to pay due attention to this Subject, and promote in every possible manner the making of Artificial Pastures, Winter Stables, and every thing else that can be of any Service in this case.

20th. The Landdrost, for that purpose, ought to have a perfect knowledge of all the different quarters of his District, that he may know for what kind of Cattle every place is most proper, and how they are to be used according to the nature of those quarters, that he may be capable of giving advice and teaching the Inhabitants what is likely to turn out to their greatest advantage. Every one who maketh Improvements in the breed of Cattle, promoting his own interest &c., also assists in promoting the general prosperity, and as a meritorious Burgher ought to meet at all times with encouragement, advice, and support from the Landdrost of his District.

21st. The Landdrost is earnestly recommended to encourage in the Strongest manner the breed of Spanish Sheep. It is notified in the old Registers of this Colony that a Century past many promising Samples have been furnished of Wool, and that the want of proper attention to this breed of Sheep is the only cause that deprives this Country of that inexhaustible source of prosperity.

22nd. The Land used for Agriculture the Landdrost ought also to acquire a perfect knowledge of: for that purpose he inquires what produce is best adapted to each place, enabling himself by these means to give the best advice.

23rd. Besides the cultivation of Corn, the Landdrost will encourage the Inhabitants to cultivate all such products as may either be used as food and by that means procure saving of Corn, or become an advantageous object for exportation, amongst which last kind of produce the cultivation of wine ought to be taken into the greatest consideration.

24th. The planting of Wood and the preservation of the already existing Woods ought also to be encouraged, the same becoming more and more necessary for Buildings and Firewood for the Inhabitants.

25th. In general the Landdrost is to observe that, according

to the increasing population, the necessity also augments of defining the limits of each place, and to take care that the greatest advantage is made of all the Land still at the disposition of Government, and that accordingly the strictest regularity is observed, as well in the distribution as in the cultivation thereof.

26th. The enquiry concerning those places and premises given either on Loan, Quitrent, or property the Landdrost ought to place amongst his principal transactions, and with the deliberation of the Heemraaden leave no means untried to conform precisely to the Resolutions of the 29th February 1804, 15th May 1805, and the Additional Instructions of 2nd July 1807, which are to be considered as if herein inserted.

27th. The Landdrost shall keep a particular account of all places and premises under his District, and expressly mark down the name and situation of every place and Tenement, and the name of the Owner or possessor thereof, and, to prevent confusion and misunderstanding, the places and premises shall be numbered.

28th. The first object of the Landdrost is to take care that every Fieldcornet in the Cape District form an exact List of all the places, Erf's, and Dwellings of whatever description soever in his Division, separately numbered with the name of the occupier or owner, the name of his Wife, number of Children, Slaves and Cattle, which are kept at each place.

29th. Within Six months after the date hereof the Landdrost is to form from the different reports of the Fieldcornets a separate List, pointing out (a) The distance of each place from the Field Cornet as well as from the Town; (b) What Rivers are situated between those places and the Town; (c) The nature and quality of each place or Erf, with such other remarks as it may be necessary that Government should be made acquainted with; (d) What customary Uitspan places (places for unyoking Cattle) are in the Cape District.

30th. At the end of each year the Landdrost is to deliver in to Government a new list, together with the report of the General State of the Cape District, as also the names of such of the Inhabitants as may appear to him to have signalized themselves by extraordinary exertions, whether in the planting of wood, clearing of land, or any other branch of Agriculture.

31st. The Landdrost is to take special care that the Salt Pans

in the Cape District are not misused or injured, and principally that in the Cape Plains no new roads are formed near the same to the South Eastward.

32nd. In case any Ship is cast away in this District the Landdrost shall be obliged to send immediately a report in writing to the Governor, and repair personally with the utmost speed to the place where the ship was cast away, and there employ all proper means to save the people and to preserve good order, and for which reason every one without distinction being hereunto lawfully required shall be obliged to give him the necessary assistance. The Landdrost shall be obliged to send a declaration of all the expences incurred on the occasion to the Governor, in order that he may, after due examination thereof, direct in what manner the payment shall be made.

33rd. The Landdrost is further in such case authorized to apprehend all such persons as may be guilty of plundering the Shipwreck, and to send them in custody to the Capital, that they may be prosecuted by the Court of Justice, agreeable to the Proclamation of the 20th June 1793.

34th. In case any Ship or Vessel, not having a particular Licence to sail on the Coast of this Colony, happens to run into any Bay, the Landdrost shall not allow any goods to be landed from the same before a regular permission shall be obtained from the Custom House, with the Consent of His Majesty's Fiscal.

35th. But in case any Ship or Vessel run into any of the Bays in distress, and this waiting for such a permission might endanger Ship or Cargo, the unloading of goods shall be permitted to be immediately done, but with the necessary precautions, that under this pretence no Contraband is brought on shore to the prejudice of the regular duties.

36th. All crimes committed in this District, the Landdrost shall prosecute before the Court of Justice of this Settlement, agreeable to the Constitution of this Government, and according to the Regulations relative to the Form of proceeding bearing date 9th July 1570. But this Article is not to be in force until the 1st January 1810.

37th. The Landdrost shall be obliged to keep a proper Journal of all Transactions occurring in his District, and send a proper Report of all Cases of consequence with the utmost speed to the Governor and Commander in Chief.

38th. The Landdrost shall give immediate notice by Letter, not only to the Governor of all Criminal Cases which may happen in his District, but also to the President of the Court of Justice and His Majesty's Fiscal.

39th. The Judicial Examinations he shall hold before Commissioners from the Worshipful the Court of Justice in the usual manner.

40th. To carry on his Official Processes, either Civil or Criminal, he will be allowed to appoint an Attorney, provided he employs for that purpose one of the Advocates of the Court of Justice, or in case he might prefer any other Person, to propose the same to the Governor for approbation.

41st. The Landdrost shall be permitted, without giving notice, or any previous consent of the Governor at the time, or from the Court of Justice, provisionally to cause all such persons to be apprehended and taken into custody who have no fixed abode in this Colony, and who, without any legal authority, remain in the same, and continue without the knowledge or consent of the Governor and Commander in Chief, or His Majesty's Fiscal, as Vagabonds in his District, as also all Deserters without exception; the Landdrost nevertheless shall be obliged to give notice of such apprehensions without delay to the Governor and to His Majesty's Fiscal.

42nd. The Landdrost is obliged to obey all orders from the Court of Justice, especially when he is ordered by them to institute an action, or to enter into a Lawsuit with any one, but on informations and complaints sent him from any other quarter, either requiring or persuading him to act, he shall be guided by his sense of Justice.

43rd. As long as the Use of Slaves in this Colony shall not be done away, the Landdrost must esteem it one of his most sacred duties to watch over the treatment of those unfortunate persons. His Majesty's Government can never admit that the title of Human property permits ill treatment, and for that reason it is expected that all Constituted Powers and officers, by their own example, will accustom their fellow citizens to view the Slaves, and to use them as their fellow creatures, and never allow any cruelty towards them; every thing that may serve to civilize these people, and by teaching them the Moral Duties render them useful Members of Society, is recommended to the Landdrost in the strongest terms.

44th. Nevertheless, whenever any complaint is made by the Owners against their Slaves, the Landdrost may, after examination, and finding the complaint to be just, have such Slave punished either by temporary imprisonment not exceeding two months, corporal correction, or by placing him in irons for a certain time; but whenever it appears that the Slave who gave reasons for complaint was not only guilty of small trifling family offences, or other misconduct of the same nature, but crimes on which criminal punishments are fixed, he shall be obliged to bring the matter forward for public Prosecution.

45th. But whenever, on the other hand, any Male or Female Slave lodges a complaint with the Landdrost of ill-treatment by their Owners, he will cause the complaining Slave provisionally to be taken into custody, and then make an exact enquiry into the merits of the case, in order that, if he finds the complaint to be grounded, he may proceed against the Owners before the Court of Justice as is becoming good Justice, but in case the complaint is not grounded or is found to be calumnious, he shall, with the consideration of the Owner (in manner as aforesaid) have the complainant punished.

46th. He shall not be allowed to make known to any one the Secrets of his Office, except to his respective Superiors.

47th. He shall hold a regular correspondence with His Majesty's Fiscal, and send to him all such information concerning the Justice and Police as the said Fiscal shall deem necessary to require from the Landdrost; and, on the other hand, His Majesty's Fiscal shall send to the Landdrost all such information as in his situation may be of service to him.

48th. The Landdrost, for the promotion of harmony, good order, and Justice, shall correspond with the Landdrosts of the other Districts, in order to assist them in all such cases as may any ways promote the interest of each District, and especially respecting the apprehension of Deserters, Vagrants, &c., wandering about from District to District. The greatest activity is recommended to the Landdrost in circumstances which require dispatch.

49th. Whenever the Landdrost has any grounded suspicion that any Inhabitant or Stranger is dangerous to the public tranquillity and welfare of this Colony, without there being any cause of action against such a one, he shall inform the Governor and Commander in Chief thereof, with a summary relation of the

reasons of his suspicion, in order to enable the Governor to dispose in this respect as he shall deem necessary for the welfare of the public.

50th. The Landdrost shall have for his due assistance in his office one Clerk and two Police Ruyters to be paid by Government, and to be appointed by the same on the proposal of the Landdrost.

51st. Whenever the Court of Justice or His Majesty's Fiscal shall require any help or assistance from the Landdrost to enforce any Summons or other transactions, or that the Orphan Chamber or Desolate Boedelkamer, for the purpose of promoting their respective administrations, may be in want thereof, he shall immediately comply with the same, or cause the same to be complied with by his Officers.

52nd. The Landdrost shall take care that the performance of Divine Service in the Churches of his District be undisturbed, and by shewing himself due respect, encourage the Inhabitants of his District regularly to attend Divine Service.

53rd. The Missionary Establishment at Groene Kloof is to be under the special protection of the Landdrost of the Cape District.

54th. He shall pay due attention to all publications and other orders of Government, and take care that they are made known with the utmost Speed to all Inhabitants of his District.

55th. The Landdrost shall, before entering into function, take the usual Oaths in the Colonial Secretary's Office.

By Command of His Excellency the Governor.

(Signed) H^Y ALEXANDER, Secretary.

*Instructions for the Landdrost and Heemraeden of the
Cape District.*

1st. The Matrimonial Court and Court for trying petty Civil Cases, which will continue to assemble every Saturday, after having closed its sittings in that capacity is then to sit as a Board of Heemraeden in the Cape District.

2nd. The meetings are to be held either every Saturday (being the usual day on which the Court assembles) or once a Month, as may suit the convenience of the President and Members.

3rd. When either of the two Members from the Country goes

out by rotation, it is desired that persons resident in the Country, within the limits of the Cape District, who are duly qualified by Law, be recommended to the Governor for filling the situation of Heemraad.

4th. Two Members will however for the present be appointed to this Board, and the Governor, according to the Laws of this Colony, having the immediate right of appointing them in the first instance, does hereby appoint Messrs. Gysbert van Reenen, of Rondebosch, and Melt van der Spuy, of Koebergen.

5th. Respecting the other transactions, the Board of Heemraaden ought, in as far as it regards the direction of public concerns, to proceed on the same principles as are prescribed to the Landdrost in his Instructions: they of course endeavour in every thing relative to the education of the Youth, protection of property and possessions, the civilization and protection of the Hottentots, the promotion of Agriculture and Breed of Cattle, &c., to advise and assist the Landdrost with all their power, and according to their best judgment and knowledge.

6th. The Landdrost and Heemraaden are to take cognizance of all petty Civil Cases under the Sum of Two Hundred Rixdollars, also Disputes about Lands, as to their Limits, Water, Roads, Servitudes, and the like, with the exception of disputes relative to the property of Loan Places being granted, respecting which Government reserves the exclusive right of decision.

7th. This Jurisdiction shall nevertheless be limited to the Inhabitants of this Cape District, and according to Law the Prosecutor shall follow the Defendant into his District. In cases of division of Boundaries, Servitude, Pounding of cattle, and other disputes relative to Land under the Judicature of the Landdrost and Heemraaden, the Owners are considered to belong to the District in which the Land is situated, or the Cattle pounded, in as far as concerns such disputes as may arise.

8th. An arrest in all the abovementioned circumstances revives the Jurisdiction of the Court of Justice, and for that reason the competency of the Landdrost and Heemraaden to proceed therein ceases, unless the Court of Justice removes the arrest or directs the cause to remain *Statu quo*, and orders the Matter to the Landdrost and Heemraaden for their cognizance and judgment, in which case Landdrost and Heemraaden shall be in duty bound to obey.

9th. And as the exclusive competency of the Court of Justice to judge in cases of arrest does not impede the leaving the case itself to the decision of Landdrost and Heemraaden, they are not allowed to decree upon any arrest that shall be laid on, but are obliged to direct parties to the Court of Justice.

10th. In all cases pendent in the Court of Landdrost and Heemraaden they shall, before determining the case by decree, endeavour to bring the parties to an amicable adjustment. This is looked upon by Government to be of the greatest consequence in processes of this nature, and therefore in every case it shall be exactly noted down that this order was punctually fulfilled, even if all the attempts have been fruitless.

11th. Landdrost and Heemraaden are obliged *de plano* and without any form of written process, to do Justice, and to decide in all cases finally within Six Weeks after the first Meeting, unless particular circumstances make it necessary to allow parties longer time, which is left to the discretion of the Landdrost and Heemraaden.

12th. In cases which are to be personally inspected by a Commission, or to be otherwise examined, the several statements of the parties are to be inserted in the Report of the Commission by the Secretary, and on this report together with the documents produced at the examination, Justice shall be done.

13th. Whoever shall require a Commission at the expence of the party cast shall be obliged previously to deposit into the hands of the Secretary such sum as according to the distance of the place where the examination is to be made shall be calculated to be required for the necessary disbursements of the Journey and the Carriage of the Surveyor's Instruments, but all other expences shall, as customary in other Lawsuits, be paid after sentence by the Succumbent.

14th. Before the Landdrost and Heemraaden the parties shall personally be obliged, by word of Mouth, to represent their case, and defend the same, unless the Board for urgent reasons shall judge it equitable to allow an Attorney or any other person admissible by Law, or that the nature of the case, the production of the evidences, make a representation or defence in writing necessary, which nevertheless shall on no account be allowed to lead to common process in writing.

15th. Any person subject to the Jurisdiction of Landdrost and

Heemraaden, who shall have been summoned and not have appeared thereto, shall in case he cannot assign sufficient reason forfeit for such default, over and above the expences of the Summons, for the benefit of the District's Treasury, for the first time three Rixdollars, and for the second time six Rixdollars, but being summoned for the third time and not having appeared, shall be declared contumax, and accordingly Justice be done in the case on the Statement or evidence delivered by his adversary, with condemnation at all events of the person summoned in the costs.

16th. The Landdrost and Heemraaden decree finally in all cases not exceeding Twenty-five Rixdollars, and for that reason all such decrees not to be liable to appeal; neither shall any appeal be made from sentences passed in contumacy, nor from any interlocutory dispositions made in cases which may be altered and amended by a definitive Sentence.

17th. From all other Sentences, however, pronounced by Landdrost and Heemraaden, by which the parties feel themselves aggrieved, they may appeal to the Court of Justice, which appeal is to be lodged within ten days subsequent to the Sentence being pronounced, or of the party becoming acquainted therewith, and prosecuted within Six weeks after the appeal has been so lodged.

18th. Landdrost and Heemraaden decreeing finally must at least be five in number, and in case of death, sickness, or other lawful impediment that shall prevent this number from being assembled from the Heemraaden in function, the said number shall be made up from the old Heemraaden that are out of office, or other assumed Members.

19th. The following reasons shall disqualify Members from sitting as Judge in the Board of Landdrost and Heemraaden: (a) Having any concerns, directly or indirectly, in the case brought before them; (b) Being connected to the parties in the fourth or less degree of consanguinity or Affinity; (c) Being Guardians or Trustees, or having been such to one of the parties, or having any immovable property hired from either of them; (d) Having received any gifts or presents from the parties interested, at any time since the case was pending, or was likely to be brought to a Lawsuit; (e) Having any process pending in any Court against the parties, or any of them litigating before Landdrost and Heemraaden.

20th. The Landdrost, or any other Member of the Board, finding himself in any of the above cases, shall be obliged to give notice thereof at the First Meeting, and the Board, in the absence of such Member, shall judge and determine concerning the validity of the excuse; in case such excuse is not represented by the Member himself the Board shall be obliged *ex officio* to pay due regard thereto.

21st. Whenever, besides the above recited cases, the Landdrost, or any of the Members, shall find himself under particular circumstances relative to the parties interested, and in consequence whereof he judges it right to be excused in the judgment of the case, for example, great intimacy, personal enmity, partnership, matrimonial engagements upon the point of taking place, or any other reasons of the same nature by which the judge does not feel his mind entirely free, such Member shall acquaint the Board thereof, that they may in his absence judge and determine of the importance of those reasons.

22nd. The members shall neither in their Judicial or in any of their official capacities make known to any person out of court the arguments, deliberations, and opinions of their Co-Members, concerning such cases as have been the subject of deliberation and determination of the Board, either before or after the cases shall have been decided upon, under the penalty of being deprived of their situation.

23rd. The Landdrost, having the function of President in the Board, shall have the conduct and direction of the Order in which the business shall be transacted, and shall be watchful as such, that the deliberations are held with the utmost regularity, yet without impediment to the freedom of giving their votes.

24th. The conclusion, after mature discussion with the Board, shall be made up by the Landdrost in such a manner as the merit of the case and the precepts of Law shall require.

25th. The Court of Justice shall further be at liberty in all Civil Cases brought before them to require by Letter the Landdrost and Heemraaden to examine such Witnesses as shall be condemned by the Court to give evidence in the case, and for that purpose exhibit Interrogatories, and to have Oath made to the same, reserving to the Court the right, if thought proper, of further examination. These Interrogatories, with answers, are to be sent back as soon as possible by the Landdrost and Heemraaden,

enclosed in a Letter, to the President and Members of the Court of Justice.

26th. On Inspections of Criminal Acts, should these on some extraordinary cases be entrusted to the Heemraaden, they will have to pay the most minute attention, and pass no circumstance whatever unnoticed. The deed hereof being one of the principal grounds upon which the Judge must form his judgment, nothing relative to the state of the case ought to be omitted, and every circumstance must therefore be simply but clearly described, it will in consequence be necessary that the Landdrost and Secretary be particularly attentive in drawing up this deed.

27th. The Landdrost and Heemraaden are to take care of the repairs of the public Roads, Bridges, and such like in the Cape District, agreeable to the usual manner which has hitherto been observed as follows.

28th. Both the public Roads from the Lines to Salt River, and through Rondebosch to the Bridge at Westervoort, being the point where all the Waggons from the Interior must pass to the Town, are to be repaired and kept in order, by hiring of Waggons and Workmen, or by public contract, whichever may be deemed most convenient.

29th. The Burgher Senate therefore is, from the first day of the ensuing year, no longer to be charged with the direction of the reparation of the Roads and Bridges on the other side of the Lines.

30th. The necessary expences however for the same are Yearly to be supplied from the Funds of the Burgher Taxes under the administration of the Burgher Senate.

31st. At the commencement of each year the Landdrost and Heemraaden are to deliver in to Government a calculation of the computed expences for that year.

32nd. This calculation, being approved by Government, the amount is to be furnished by the Burgher Senate at four payments.

33rd. The Burgher Senate is to debit the Landdrost and Heemraaden for the same, and the receipt is to be considered as a sufficient Warrant and Discharge for the said Senate.

34th. With regard to matters of Finance, both the usual Opgaaf and the payment of Quotas, and all other duties payable to the District, shall, for the present, continue to be made to the

Burgher Senate, agreeable to the Regulations now in existence in this Colony; but the Landdrost is to attend in person at the Meeting of the Burgher Senate for taking the Opgaaf of his District.

35th. The Landdrost is to keep nothing but a simple Cash Book, containing an Account of the manner in which the Monies, so received from the Burgher Senate, have been disposed of.

36th. Every three Months this Account is to be produced to the Board of Landdrost and Heemraaden, together with the Receipts and other Vouchers appertaining thereto.

37th. After examination and confrontation, said Quarterly Account is to be signed by the Landdrost and Heemraaden.

38th. At the end of each Year the Landdrost and Heemraaden are to send in to Government copy of said Account, together with the state of their Treasury.

39th. The first Clerk in the Colonial Secretary's Office is to act as Secretary to the Cape District.

40th. The Landdrost and Heemraaden are to see that the Weights and Measures in this District are regularly assized as at the Cape Town.

41st. Heemraaden are to take the usual Oaths in the Colonial Secretary's Office.

Castle of Good Hope, 1st April 1809.

By Command of His Excellency the Governor.

(Signed) H^r ALEXANDER, Secretary.

[Office Copy.]

Letter from E. COOKE, ESQRE., to the EARL OF CALEDON.

DOWNING STREET, 3rd April 1809.

SIR,—I am directed by Lord Castlereagh to acquaint you that his Lordship has given permission to the bearer Mr. L. I. Huffet to proceed to the Cape of Good Hope on mercantile affairs.

I have etc.

(Signed) E. COOKE.
2 1 2

[Copy.]

*Letter from LIEUTENANT-COLONEL COLLINS to MAJOR CUYLER,
Landdrost of Uitenhage.*

UITENHAGE, 6th April, 1809.

SIR,—The Kaffer chief Zlombie having promised to use his utmost exertions to prevent a repetition of the vexations to which the inhabitants of the Zuureveld and Bosjesman River districts have been subjected by wandering Kaffers, I have to request that you will recommend to those people to return without delay to their several places.

The veld cornets Delport and Basson having declared their determination not to return to their districts while the Kaffers should continue in their neighbourhood, I have deemed it necessary to nominate to the important stations they have occupied persons better qualified to inspire confidence in the inhabitants committed to their charge. You will be pleased to transmit for their guidance, and that of the other veld cornets and inhabitants under your orders, the following regulations, together with such additional instructions as you may judge calculated to promote the welfare of your district.

1st. Kaffers or Ghonaquas are not to be fired at except in self-defence, unless under the immediate direction of the landdrost or of some other officer duly authorized by government, to exercise his judgment respecting the expediency of proceeding to that extremity on other occasions.

2nd. Except when led by a veld cornet, or an assistant veld cornet, who has been appointed by the landdrost, no inhabitant is to follow stolen cattle to a greater distance than one hour's ride beyond the last inhabited place; and whenever he may have followed them to that, or a shorter distance, he is instantly to report his having done so to the veld cornet for the information of the landdrost.

3rd. Six mounted farmers to be warned by each veld cornet and assistant veld cornet to be in readiness to apprehend wandering Kaffers and Ghonaquas, and to follow the trace of cattle that may be reported to have been stolen from any inhabitant. Two of them will patrol daily, and immediately report any Kaffer traces they may have seen to the veld cornet or assistant.

4th. The veld cornet, or assistant veld cornet, is to follow the trace of the stolen cattle; and, unless he can recover it in the way, is to proceed as far as the kraal, where he is to apply in a friendly manner to the chief to find out and give up the stolen cattle, and to punish the thieves. Should the chief refuse his assistance, the veld cornet is to go through his herds, and endeavour to discover and bring away the stolen cattle, with coolness, firmness, and forbearance; this mode will be generally found successful; but should the chief interpose force, the veld cornet is to proceed to his superior chief, if he has one, to seek redress. Whether the cattle be brought away or not, a minute detail of the whole proceeding is to be sent without delay to the landdrost.

5th. Whatever Kaffer or Ghonaqua may come to the colony with the distinguishing mark of a chief is to be furnished with provisions, treated with kindness, and sent to the nearest veld cornet, who will forward him without delay to the landdrost or such person as may be authorized by him to inquire into the motive of his visit.

6th. The several inhabitants are to give immediate information of every wandering Kaffer or Ghonaqua they may have observed, or of their trace, to the nearest veld cornet or his assistant, who is to endeavour to apprehend them, and take them to the landdrost or other officer, as mentioned in the preceding article. Such persons are to be confined for three days, and then conducted beyond the last habitation. They must not be otherwise ill-treated, and are to be furnished with provisions. When the same person is taken up a second time, the landdrost will increase his punishment; and when apprehended after the commission of murder or other serious outrage, the offender will be reported by the landdrost to government, unless his chief shall make ample atonement for his offence.

7th. Should Kaffers or Ghonaquas come to restore slaves, Hottentots, or stolen cattle to any inhabitant, he is to take them to the veld cornet or assistant, who will conduct them immediately to the landdrost or officer duly authorized by him to inquire into the circumstances of the theft, and determine the compensation that should be made to those people for their trouble, which must always be made in sheep.

8th. The inhabitants are not, upon any account, to employ

Kaffers or Ghonaquas, or to hold communication with them. Whatever inhabitant shall be convicted of proceeding to a Kaffer or Ghonaqua kraal, except when with a veld cornet or assistant on duty, or of having in any way traded with any person belonging to those nations, or of authorizing them to come to his place, or to remain at it one hour without reporting the circumstance, will be subjected to a fine of five hundred rix-dollars, or to such part of it as the landdrost may judge proper to levy, according to the nature and degree of the offence.

9th. The assistant veld cornet is always to be nominated by the landdrost, and will be exempted from the opgaaf duties and regulations for cattle, horses, &c. for the public service.

10th. The inhabitants will always be prepared to obey such orders as they may receive from the veld cornet or his assistant, for the defence of the district, or any particular habitation belonging to it. He will adopt the best measures that time and circumstances will permit for the protection of the inhabitants on any unexpected attack, instantly reporting such an event to the nearest officer authorized to give him support.

You will be pleased, Sir, to send, without delay, to each chief, the distinguishing mark prepared for him, apprising him that it is not to be transferred to another chief, and that no messenger will be acknowledged who is unprovided with it.

I should have adverted to Hottentots and slaves who may be reported to have taken refuge in Kaffer or Ghonaqua kraals. Rewards should be offered, and every endeavour used to recover them; and when brought back, steps must be taken to remove them beyond Swellendam. It is yet of greater consequence to prevent whites and bastards remaining among that people. It only remains for me to impress upon your mind the wish of government, and the expediency of cultivating a good understanding with all the Kaffer chiefs, as far as the restrictions to which it has been found necessary to subject them and their people can possibly permit. It is particularly necessary that they should be immediately made acquainted with the cause of any act of violence that it may unfortunately be necessary to have recourse to against any of their people, and that ample justice should be done whenever aggressions may be proved by them against an inhabitant. I have etc.

(Signed) R. COLLINS.

PS. It appearing that some Bastards and Hottentots have returned to Kafferland in consequence of having Kaffer or Ghonaqua wives who had been commanded to leave the colony, it is permitted that women of those nations who are now the wives of Bastards or Hottentots should reside in the colony; but they are not to remain in the districts of Graaff-Reinet, or Uitenhage, and such connexions are in future prohibited.

(Signed) R. COLLINS.

[Original.]

*Letter from GEORGE HARRISON, ESQRE., to
EDWARD COOKE, ESQRE.*

TREASURY CHAMBERS, 7 April 1809.

SIR,—I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you a Letter from Mr. Blair dated Cape of Good Hope 21st January last, with Inclosures on the subject of his Appointment as Collector of the Customs there, and I am to request you will move Lord Castlereagh to inform this Board whether the Commission and Instructions under which the Governor of the Cape acts in that Settlement have any reference to the power claimed by Lord Caledon of appointing to the Offices of the Customs Revenue at the Cape.

I am &c.

(Signed) GEO. HARRISON.

[Copy.]

Letter from SENHOR XAVIER ELIO to the EARL OF CALEDON.

MONTE VIDEO, 8th April 1809.

EXCELL^o SENOR,—The union subsisting between Great Britain and Spain in defence of a common cause makes me flatter myself that Your Excellency will take into consideration the Commission which the Captain of the English Merchant Ship called the *Spanish Hero*, Mr. Musgrave, is now charged with.

Your Excellency must know that the general Usurper that Monster of Abomination has not exempted these distant Countries from his seduction. For some time past the views of his Ambition have been fixed on them; and tho' indeed the watchfulness of the English Cruizers has prevented their bringing great expeditions to these coasts, it may happen that one may escape, which tho' not very numerous, may endanger the loyalty of these Provinces; for with sorrow it must be confessed that a Frenchman commands in Buenos Ayres who judging by his actions is one in his heart, and from under whose command I have withdrawn myself, from belief that he is suspicious, intimating the same to the Government of the Nation, with Documents in justification of my Loyal Zeal.

By late Gazettes it appears that a French Frigate was captured, having on board Six Hundred Soldiers for Buenos Ayres. Finding myself in such situation every possible precaution is necessary to secure to my beloved country this valuable part.

I have the Fort (Plaza) in a regular state of defence, but for my greater tranquility a number of Spare Muskets from two to three thousand might on occasion be wanted. This is what I request your Excellency will deign to grant.

Your Excellency knows that Spain cannot fall to any, provided means are not wanting to arm her worthy and valiant Patriots. Your Excellency will therefore believe that in granting them to me you will render great Service to Spain and consequently to England.

Having made like application to Vice Admiral Sir Sidney Smyth he intimated to me that he had no more than were necessary for the respective Ships, but from these, in case of Enemies, he would furnish what should be wanted for my Defence.

I hope therefore that in conformity with that consideration with which English Vessels and Individuals are admitted, you will direct for the said Captain Musgrave a quick conveyance of the aforementioned armament. Remaining under obligation to make due Return to Your Excellency on such occasion as may offer and in what this Country can afford, I am &c.

(Signed) XAVIER ELIO.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 12th April 1809.

MY LORD!—Together with the Accounts of the Receiver General for the Months of January and February, I have the honor to transmit the several Proclamations and Government Advertisements issued between the 4th March and 1st April. I have, etc.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, 12th April 1809.

MY LORD!—Shortly after I had last the honor of addressing Your Lordship Mr. de Wet, President of the Court of Justice, finding the duties of his employment too arduous for his advanced age resigned his Office, in consequence of which I have appointed Mr. van Ryneveld, late His Majesty's Fiscal, to be President of the Court of Justice, and Mr. J. A. Truter, formerly Colonial Secretary under the Batavian Government, to be His Majesty's Fiscal. I have also considered it expedient to divide the situation of Fiscal and Landdrost of the Cape District, which were heretofore united, and have nominated Mr. Zorn to the latter. The increased population, especially in the town, and the consequent accumulation of business in the Fiscal's department which renders his presence in the Capital at all times necessary, were the principal reasons for this measure. I have fixed the salary at 3,500 Rix Drs. per annum, the same allowance as that granted to the Landdrost of Stellenbosch.

I feel unwilling to intrude again upon your Lordship's attention the heavy expence which this Colony labours under, in the subsistence and extraordinary expences of the Cape Regt., but I beg to present an abstract from the account of the expenditure in

case it should at any time be thought adviseable to make an alteration.

The Town Major has solicited me to forward to Your Lordship a Memorial, with which I have not hesitated to comply, and I venture to recommend that a salary of 1,000 Rix Drs. pr. annum should be attached to his Office; I have proposed this sum as being the salary which was attached to the Superintendance of Canteens, an appointment formerly held by that of Town Major; the perquisites which were very considerable are now credited to the public.

Mr. Gall, Postmaster, having entreated me in a very urgent manner to give him leave of absence, I have acceded to his request, and shall permit his return to Europe for the space of nine months. I have the more readily complied from the personal knowledge and good opinion I entertain of the gentleman whom he has proposed to me to carry on the duties of his Office.

Your Lordship's Commands as to the issue of the Spanish dollar at five sterling shillings I shall execute in those departments to which my functions extend, but as I am informed in the enclosure of a subsequent dispatch, No. 22, to which I am referred, that "the orders of the General Officer commanding the Troops is the only authority which the Depy. Commissary Genl. as required by his Instruction can receive for his guidance and direction in executing the duties of his Office or which can be admitted in passing his Accounts," I consider it consistent with the line marked out for me to abstain from interference in the Military department.

The Commission empowering me with the other members whose names are specified to hold a Court for the trial of pirates has been transmitted to me by order of My Lords Commissioners of the Admiralty.

I hope I shall not be thought importunate in praying your Lordship's attention to my dispatches No. 8, July 25th 1807, and No. 38, March 16th 1808; with respect to the former it occurs to me that Your Lordship might feel a disinclination to the Sale of the Govt. Slaves, in which case I should propose that they be apprenticed under the provision of the late Act; with respect to the latter I have nothing more to observe upon than the personal inconvenience I have suffered by a constant residence in town during the Summer Months, and the appearance it bears in the

public mind of the Commander of the Forces holding two Government Establishments whilst I am confined to the one Residence.

I have etc.

(Signed) CALEDON.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
W. W. POLE.*

Raisonable, SIMON'S BAY, 13th April, 1809.

SIR,—I have the honor to acknowledge in a separate letter of this day's date the receipt of a letter from Mr. Barrow by the *Cornelia* Frigate, communicating the Orders of their Lordships relative to the Blockade of the Isles of France and Bourbon, and the occupation of Rodriguez. I have the honor to transmit a Copy of a Letter from Captain Rowley, of His Majesty's Ship *Raisonable*, by which their Lordships will perceive that the Island of Rodriguez may be taken possession of at any time by the Marines of the Squadron off the Isle of France, but lest the taking such a step otherwise than by the mode proposed by their Lordships might interfere with the arrangements they have planned, I have only adopted the precaution of giving secret instructions to the Commanding Officer off the Isle of France to be careful in observing that the Enemy do not land any force on the Island of Rodriguez, and in case of its being attempted to make it a plea for taking possession of it.

I have forwarded to India by the *Cornelia* a Copy of the letter before alluded to, together with Copies of every information connected with the subject, and it affords me particular satisfaction that in the disposition of the small force under my command since my arrival on the station, I have so far anticipated the views of their Lordships in relation to the Mauritius.

I am concerned to state to their Lordships the return of the *Nereide* to Simon's Bay on the 11th instant, the occasion of which will be best explained by Captain Corbet's letter announcing his Arrival, a Copy of which I have the honor to transmit. Captain Corbet having fallen in with several of the homeward bound Indiamen, purchased out of them Spars and a shroud hawser, by

which forethought he had replaced all his small masts and completely fitted a set of new main rigging before he arrived. There being a Mainmast here which exactly suits the *Nereide*, it will be got in tomorrow, and she will be again ready to put to sea between the tenth and fourteenth day from his arriving. Captain Corbet is certainly an Officer of great resource and activity, and it is but justice to him that I observe the great service he rendered the East India ships he fell in with, and having notwithstanding the crippled state of the *Nereide* taken the *Northumberland* in tow. On conversing with him I am under considerable less alarm about the *Harrier* and *Racehorse*, which vessels sailed with him and parted in a Fog off the Cape of Good Hope; he calculates them to have been a hundred leagues astern of him, and that nearly South, which I should hope would have been far enough to have kept them out of the vein of the hurricane, though they may have encountered strong Gales. I am very anxious to hear from off the Isle of France, for when it is considered that subsequent to the accounts I have already transmitted, four thousand ton of shipping have been captured belonging to the Enemy and bound to the Island, the greatest part of the Cargoes of which have consisted in Stores and Provisions, together with a thousand ton of recaptured Vessels; if in addition to these losses, the Hurricane should have reached the Islands, it must have tended to a very considerable augmentation of their difficulties. I transmit, for the information of their Lordships, a Copy of the Orders under which Captain Johnstone sailed in His Majesty's Ship *Leopard* on the 12th March with the *Sapphire*, *Charwell*, and *Otter*. They were detained some days by the defects of the *Sapphire*, which from being a new ship and having been some time in a very hot climate required a general caulking to render her seaworthy, added to which the whole of her Water Casks required repair.

The *Harrier* and *Racehorse*, not finding the *Nereide* on the Rendezvous given them by Captain Corbet, will of course proceed to the General Rendezvous of the Squadron, and there (the *Leopard* being to windward) they will necessarily fall in with her, so that I trust that Ship with five Sloops are putting in force their Lordships' instructions for the Blockade of the Isle of France, while all the strength of the Naval Yard is put on the *Nereide* in order to her reinforcing them with as little delay as possible.

The *Raisonable* has been hove two courses out (indeed lower for

inspection, but righted immediately to that) ; her butts and Wooden Ends were so open as to prove the absolute necessity of it even for a passage to England, but it is the opinion of the Master Shipwright of the yard, as well as my own and Captain Rowley's, that she is now fit for any service for a length of time. As I have already stated in my former dispatch to their Lordships, the necessity of the *Leopard* being caulked, her Copper being off as low as the keel, I trust their Lordships will approve of my keeping the *Raisonable* to supply her place for the carrying into effect their Lordships' instructions, for which she is essentially necessary. It is my design to send up the *Anne* Transport with Supplies for the Squadron under her convoy, and as she would be an invaluable Prize should any of the Enemy's frigates fall in with her, I do not think it adviseable to trust her with a less force than the *Raisonable*.

The *Caledon* on going to sea in a gale of wind was found to make water, and returned. On examination, some planking below the wale required to be shifted. I ordered her to be hauled on shore and to be minutely inspected down to the keel ; she is found to be perfectly sound and fit for service for three Years, as reported by the Master Shipwright.

I am in daily expectation of the arrival of the *Stauneh* G. B. She sailed from St. Mary's, Madagascar, February 19th; it was the intention of Lieutenant Street to work up to Bourbon and then return here, running down the East Coast of Madagascar to gain information of those Ports frequented by the Enemy on that side, where they now go to avoid our Cruizers. Lieut. Street is so very active a pilot, and so well acquainted with those Seas that I purpose sending him under the orders of the *Caledon* with the *Olympia* Cutter, sent to Mozambique, the Governor of that Settlement having written both to India and to His Excellency the Earl of Caledon, requesting assistance in consequence of depredations committed by some small French Privateers, thence to proceed to Zanzibar, and so on to the Rendezvous off the Isle of France, the return of the *Nereide* having frustrated my former plans.

I have the honor to transmit a Copy of my Notification declaring the Isles of France and Bourbon in a state of Strict Blockade, and have &c.

(Signed) A. BERTIE.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
W. W. POLE.*

Raisonable, SIMON'S BAY, 13th April, 1809.

SIR,—I have the honour to acknowledge the Receipt (by His Majesty's Ship *Cornelia* on the 21st March last) of a letter (most secret) from Mr Barrow, acquainting me that it is their Lordships' intention to send out a competent force from England for the purpose of effectually blockading the French Islands of Mauritius and Bourbon, and directing me in the mean time to keep up as strict a blockade of those Islands as the force under my command will allow, and further directing me to communicate to the Commanding Officer of His Majesty's Ships in India, and to the Governor and Council at Bombay, by the *Cornelia*, any intelligence I may possess of the actual state of the French Establishment in the Island of Rodriguez, with a view to enable the said Commanding Officer and Governor in Council to decide on the nature and extent of the Force which they may deem necessary to furnish respectively for the reduction and occupation of the said Island of Rodriguez, together with any other information I may deem it adviseable they should be made acquainted with. I have &c.

(Signed) A. BERTIE.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the HONOURABLE
W. W. POLE.*

HIS MAJESTY'S SHIP *Raisonable*,
SIMON'S BAY, 5th May 1809.

SIR,—I take the opportunity of the sailing of the *Rosina*, Merchant Ship, to inform you of some circumstances relative to the loss of the *Penelope* (a Prize Ship lately called the *Hope*) in Table Bay, belonging to Messrs. Wilberforce Bird and Mr. Thomas Rowles (Acting King's Proctor in the Vice Admiralty Court). She sailed on the 16th of April, but too late in the day to clear the

Bay before Dark, and ran on shore on the Eastern extremity about 10 o'clock at night. There was no Man of War whatever in the Bay. I personally attended in the Dock Yard at daybreak the next morning, and saw the Harbour Master and Mr. Clerk, the Master of the *Ann* Transport, who had been on board of her, who reported to me an Anchor and Cable were wanted, which I caused instantly to be issued, and proposed myself to the owners to send by Telegraph for Mr. Burke, the Boatswain of the Yard, then at Simons Town, as the person most capable to render them assistance ; but this was not considered necessary by them, and I sent the above named Mr. Clerk to their assistance, being a very active man, as by the representations made to me such a person was much wanted on board. Till the 18th it remained calm, on that day arrived the *Clorinde* and *Iphigenia*, the latter I caused instantly to put to sea, not choosing to trust His Majesty's Ships in Table Bay, the monsoon being evidently changing. The *Clorinde* I also ordered round the moment she had complied with their Lordships' Orders by landing Commissioner Shield and receiving on board Staves absolutely necessary to be transported here ; for two days it blew so violent at S.E. the communication of the Ships with Cape Town was hardly possible, by great exertions Captain Briggs got the staves off to the *Clorinde* in his Launch and in obedience to and repeated Orders of mine, sent down the Barge and Cutter with nearly fifty men, which men with the Lieutenant sent with them did exert themselves at great risk of their lives to save the Ship, but could not. The Barge was stove, and the *Clorinde* was detained two days in repairing her and getting back her Men. I should observe the Dock Yard Launches were not in a state to swim, and that a Second Anchor was sent from the Yard.

I am in possession of Captain Briggs' Letter on the subject, but it is at Cape Town, and I think it necessary to make this hasty statement by the *Rosina* who I expect instantly to sail, as I am given to understand the Owners have made by her representations that will induce the Gentlemen Insurers to think that the neglect has been on the part of His Majesty's Officers, and not from their own improper management. I have &c.

(Signed) A. BERTIE.

[Office Copy.]

Letter from LORD CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 12 May 1809.

MY LORD,—Your Lordship's dispatches from No. 31 to 63 have been received and laid before the King, and I shall proceed to answer the same numerically.

The points in your Lordship's dispatch No. 31 respecting the Slave Trade have been fully answered by the transmission of His Majesty's Orders in Council and the Act for the Abolition of the Slave Trade.

No. 32 which relates to the state of the Colonial Paper was sufficiently adverted to in my dispatch of the 10th of June last.

No. 33 contains the Receiver General's Accounts from the 25 Sept. 1807 to the 1st Feb. 1808 and the Proclamations issued in that period, on which I have no occasion to make any particular remarks.

No. 34 contains the particulars of Mr. MacLean's case, respecting whose dismissal your Lordship's conduct has been fully approved.

No. 35. As your Lordship in this dispatch signified that you had not made any alteration upon the subject of Brigadier General Wetherall's receiving a salary as Commandant of Cape Town, no measure has been taken upon the Brigadier's request.

No. 36 stating your Lordship's sentiments respecting the Commissariat, has been fully answered in my letter to your Lordship of the 9th September last.

No. 37 communicates your preparations for embarking the 60th Regiment.

No. 38. This dispatch relates to an exchange made by Sir D. Baird of a country house called Witteboom for a farm called Newlands which Sir D. Baird had assigned as a residence for the Commander of the Forces.

You object to this exchange, first because your Lordship conceives that no property belonging to the State from which a province is conquered can be alienated before an absolute cession of it by a definitive Treaty of Peace, on which position generally stated I cannot altogether concur. Such alienations may be made if convenient to the conquering power, unless absolutely provided

against in a capitulation, and if objected to on a negociation for a definitive Treaty such alienations may become objects of discussion how far the same should be compensated or not.

Your Lordship's second objection is that Witteboom was a security for the Paper Money guaranteed at the capitulation. Admitting this to be the case, I still cannot concur with your Lordship that such alienation was not in the power of Government, provided the farm received in exchange was equally valuable as a security.

When Sir D. Baird allocated this residence for the Commander of the Forces he was also Civil Governor, and I must conceive that he had a right to make this allocation subject to the approbation of His Majesty.

Your Lordship seems to involve this subject in questions of right as between the Governor and the Commander of the Forces, whereas it appears to me a question of expediency subject to the decision of His Majesty. I should conceive that next to the Governor the Commander of the Forces has the strongest claim to every personal convenience and accommodation, and I should wish therefore your Lordship would consider the subject in this point of view and that an arrangement should not be interfered with which does not in itself appear improper. The premises of course belong to Government and should be kept in repair from the Civil revenues of the Colony, whether tenanted by the Commander of the Forces or by any officer of the Civil establishment.

No. 39 contains the mention of the leave of absence you had granted to Mr. Byng, the Colonial Paymaster.

No. 40 relates to the case of Stower, your Lordship's explanation of which is satisfactory.

No. 41 mentions the sailing of the 60th Regt.

No. 42 transmits additional circumstances respecting Mr. McLean's case.

No. 43 respects the claim upon the property of the late Mr. Henning.

No. 44. I entirely approve the line which your Lordship has taken respecting the number of slaves imported by Mr. Tennant's exceeding his licence, and you will take such further measures thereupon as your Lordship shall deem most equitable.

No. 45. In this dispatch your Lordship states a conflict of the
VI.

concurrent jurisdiction of the Court of Justice of the Colony and the Court of Vice Admiralty. It is understood here that in cases of this kind that the Court in which process has first begun is to continue the cause, but as it appears that the Court of Justice of the Colony is under the Capitulation the proper Court for determining Revenue Causes I am to desire your Lordship will point out to the Judge of the Court of Vice Admiralty the expediency of his being guided by the Capitulation and that he will not proceed in cases affecting it, without previously stating his reasons for the decision of His Majesty's Ministers. There can be no just motive for enforcing without necessity the jurisdiction of the Vice Admiralty Court in Cases where it is conceived the Courts of the Colony have a right of jurisdiction under the Capitulation.

No. 46 contains the Receiver General's account for three months to the 18 May 1808 and the Proclamations issued by your Lordship for that period.

No. 47. I am to express to your Lordship His Majesty's approbation of the measures taken by your Lordship for allowing the Portuguese vessel which arrived at the Cape with the Ex Governor of Goa and his suite on board to proceed to the Brazils.

No. 48 relates to the measures taken by your Lordship in regard to certain funds seized on behalf of the captors, upon which subject a decision will be made by the High Court of Prize.

No. 49 relates to a passport requested at the instance of Mr. Heuson, to which there is no objection.

No. 50 contains a memorial from Messrs. Cloete, Reitz and Anderson, stating that a quantity of oil the produce of the fishery in False Bay had not upon its arrival in England been admitted to entry. This memorial has been submitted to the consideration of the Committee of His Majesty's Privy Council for trade and foreign plantations.

No. 51 is a communication as to Mr. McLean's delinquency, which requires no observation.

No. 52 incloses an interesting report of Major Collins on the subject of the Bosjesmen and their predatory incursions.

The result of this report is that the boundary of the Zak river should be maintained, for which good reasons seem to be assigned by the Major.

2dly That the missionary establishments should be formed with a view to reducing the Bosjesmen to settlement and civilization.

Your Lordship appearing to concur with the suggestion of Major Collins, I can have no hesitation in authorizing your Lordship to make an experiment with the kraal best situated for such an undertaking, especially as there does not appear a necessity for incurring any considerable expence. It is to be regretted that Major Collins was not fortunate enough to procure an interview with any of the Bosjesmen, so as to learn in any degree their objects or the terms to which they might be induced to accede, and from the apparent independency of the kraals on each other, their total want of connexion with each other, and their reciprocal hostility to each other, no very extensive benefit can be easily hoped for. Enough however is stated for authorizing a rational experiment, and I shall leave the conduct of it to your Lordship's zeal and prudence.

No. 54 is your Lordship's reply to Sarah Batt's memorial, which was referred for your Lordship's consideration. The report which you have made appears perfectly clear and satisfactory.

No. 55 merely contains the arrival of Admiral Bertie.

No. 56 contains the accounts of the Receiver General and the Proclamations you issued from 27th May to 13th September 1808. That which relates to the Loan Bank requires from me some observations, tho' I am disinclined from giving any determinate opinion upon it, as I fear I do not entirely understand the subject. It appears to me that the Loan Bank was one of the most ingenious expedients ever hit upon for introducing a paper circulation into a colony and raising a permanent Revenue in that circulation. A circulating medium being wanted, it seems the Dutch Government issued paper circulation in the following manner :

They issued notes stamped with certain values to individuals, as cash which was to be current in the Colony and taken in all Government receipts and payments; and they were issued as loans to the individuals, they paying regular interest so long as the notes were in circulation, the principal being secured upon good mortgage; and it appears that when the terms expired for which the principals were lent it has been usual to reissue those principals to the same loan holders.

In England the State issues a paper circulation in Exchequer Bills, and pays an interest of near 5 per cent to the subscribers, whereas it seems that at the Cape the State issues the circulation

of the Colony and receives an interest of 5 per ct. from the subscribers.

The natural effects of the two issues should be that the one receiving an interest would be hoarded, the other paying an interest would be in circulation to enable the subscribers to pay their interest.

Whereas your Lordship states a different result, and whereas the Exchequer Bills here are in constant circulation you complain that the paper money which pays an interest in the Cape is hoarded, and it seems you are adopting forcible means to prevent this hoarding.

It should seem if this statement be right that instead of throwing any difficulties on the loan holders, or at all interfering with the existing circulation, the most adviseable measure would be to increase the fund of the Loan Bank cautiously so as to provide a sufficient quantity of paper currency for circulation and hoarding too, so that the State may take advantage of the particular disposition of the colonists for hoarding, and those who had not this disposition might have a sufficient circulating medium for traffic and speculation. Not feeling myself sufficiently master of the subject I do not frame any instructions upon it, but throw out these suggestions in order that your Lordship may not, under any alarm from the principle of hoarding paper currency, endanger the continuance and good effects of a system which seems so advantageous.

No. 57. In this your Lordship states your proceedings upon the Act for the Regulation of the Slave Trade, which seems conformable to its provisions. The particulars you have stated as to the supposed impropriety of the deputy marshall have I doubt not been investigated in the court of Vice Admiralty.

Your Lordship having given leave of absence to Mr. Rainsford on account of the distressing misfortunes which occurred in his family has been communicated to the Lords of the Treasury.

No. 58 gives the account of the insurrection of the slaves at the instigation of 2 Irishmen, and of its immediate and fortunate suppression.

No. 59 announces Mr. Alexander's arrival and the quiet state of the Colony. The missing dispatches Nos. 16 & 17 notifying Mr. Walter Bentinck's appointment of auditor of accounts were delivered to the care of that gentleman, & No. 19 was sent by a transport vessel. Triplicates of them are herewith inclosed.

No. 60 incloses a statement of the salary of the Collector of the Customs.

No. 61 mentions your having arrested Lieut. Symonds and Mr. Blaxland at the Cape of Good Hope upon the information of Mr. Brooks on account of the mutinous proceedings which had taken place in putting the Governor of New South Wales in a state of arrest. I am not surprised that your Lordship should have taken this precautionary measure upon information of proceedings so alarming. Upon the arrival of Lieut. Symonds and Mr. Blaxland proper measures will be taken respecting them.

No. 62 contains the measures your Lordship has taken to mitigate the sentence of the Colonial Court of Justice upon the condemnation of the insurgent slaves, and I am to express His Majesty's approbation of the discretion you have manifested on this subject.

No. 63 explains the reasons which induced your Lordship to oblige Mr. Blair, the Collector of the Customs, to receive a Colonial appointment in addition to the appointment he had received from the Lords of the Treasury, and under the particular circumstances your Lordship has adduced I readily concur in the propriety of the measure, which you seem to have adopted merely from the view of preventing any doubts as to the authority under which Mr. Blair was acting. Your Lordship will of course receive the decision of the Lords of the Treasury upon the subject.

I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from LORD CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 12 May 1809.

MY LORD,—I transmit to your Lordship herewith the copy of a representation I have received from Mr. D. G. van Reenen, whose character and conduct must from his long residence at the Cape be well known to your Lordship.

If Mr. van Reenen's statement of his case is perfectly correct,

it certainly appears that nothing was wanting to make the grant in question complete but the execution of an instrument which he omitted to procure in consequence of his being absent on public duty at the time; but as it seems that your Lordship has declined to carry the grant in question into effect, I am led to suppose there must have been some objection of greater weight than is stated by Mr. van Reenen. Should this be the case I must request your Lordship will communicate the same to me; but if none should exist and you only require the sanction of His Majesty's authority, you will in such case give the necessary orders for completing the grant in the usual form. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from LORD CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 12 May 1809.

MY LORD,—I transmit herewith to your Lordship copies of a suggestion of Vice Admiral Bertie to the Admiralty, and the answer written thereto by my direction, respecting the expediency of trying a certain number of the Government Slaves of the Cape to certain trades for the use of the Naval Yard at that Settlement. If your Lordship should approve thereof, you are hereby authorized to act according to the suggestions of Vice Admiral Bertie, as explained in Mr. Cooke's letter to Mr. Barrow; if your Lordship should not concur in the suggestion you will be good enough to state to me the reasons on which you conceive the measure inadvisable. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from LORD CASTLEREAGH to the EARL OF CALEDON.

DOWNING STREET, 12 May 1809.

MY LORD,—Inclosed I transmit to your Lordship an order of His Majesty in Council dated the 12th ult. regulating trade and

commerce to and from the Settlement of the Cape of Good Hope, to which I am to desire due attention may be paid for carrying the same into execution. I have etc.

(Signed) CASTLEREAGH.

[Office Copy.]

Letter from F. ROBINSON, ESQRE. to the EARL OF CALEDON.

DOWNING STREET, 13 May 1809.

MY LORD,—I am directed by Lord Castlereagh to acquaint your Lordship that he has given permission to the bearer Mrs. Frauenfelder to proceed to join her husband at the Cape of Good Hope, accompanied by her two daughters and her nephew Mr. John Goch. I have etc.

(Signed) F. ROBINSON.

[Office Copy.]

Letter from E. COOKE, ESQRE. to the EARL OF CALEDON.

DOWNING STREET, 17 May 1809.

MY LORD,—Captain Smyth, who was acting Secretary to the Colony upon its capture before a regular secretary was appointed, has received for the time he performed that duty an allowance at the rate of £1500 a year. He states that during that period he so acted he received and paid into the Colonial Treasury fees to a considerable amount, and he also states that fees of the same nature are now received by the Colonial Secretary and not paid into the Treasury but applied to his private benefit in addition to his salary. Lord Castlereagh is not aware of this circumstance, but if this should be the case, his Lordship conceives that Mr. Smyth has some claim to the extent I have stated. He has therefore directed me to mention the subject to your Lordship and to intimate his readiness to authorize you to make an allowance to Mr. Smyth of the amount of the fees received by him when acting secretary, such fees being of the same species as are at present

received by the secretary. His Lordship at the same time would be desirous of knowing the nature and amount of the fees received by the secretary, and the authority for the same.

I have etc.

(Signed) E. COOKE.

[Copy.]

Instructions issued by ALBEMARLE BERTIE, ESQRE., Vice Admiral of the Blue, to LIEUTENANT JAMES TOMKINSON, Commanding His Majesty's Sloop Caledon.

Notwithstanding former Orders, you are hereby required and directed to proceed with His Majesty's Sloop under your Command to the Portuguese Settlement in Mozambique, delivering the dispatch you will herewith receive to His Excellency the Governor thereof. After having delivered the present dispatch, your principal object is to watch the motions and learn the proceedings of the Enemy in those Seas, and to counteract them to the best of your power, particularly by destroying or taking any supply of Stores or provisions they may be collecting for the relief of the Isles of France and Bourbon.

You are to attend particularly to the following Instructions: You are to enquire the force and description of Vessels the Enemy have had in the Mozambique and the Eastern Coast of Africa, particularly at the Island of Zanzibar, where it is understood they have erected Stores and Magazines, which if you can you are to take every means to learn the magnitude of, and if there is any force which will prevent their being destroyed, assuring yourself that they really are the Enemy's magazines and not those of the Natives, and that you do not give offence to the latter by so doing.

You are to enquire as to the Season when the French Vessels arrive in the Mozambique, and how long they remain, what places they have landed at, if they have built magazines, erected Stores, or mounted Guns in any other place, if they are enlisting Black Troops, the Commerce they carry on by means of their own Vessels and by those of any other Country, particularly Arabs, its extent and the nature of the articles, if the numbers of French

inhabitants are increasing in any Spot, and to what extent, if there is any trade carried on by means of the Rivers that run into the interior of Africa and discharge themselves near Quiloa and Melinda Bays, and if the French have Agents or missionaries there.

You are to enquire if any British Prisoners have been landed by the Enemy on the Islands, or Coast, and to do your utmost to relieve them and get them on board, and most earnestly to request the assistance of the Governor of Mozambique on this point. His Excellency the Earl of Caledon having dispatched Dr. Cowan into the interior of Africa on a mission, you are to enquire if there are any letters from him at Mozambique, or if he is there himself, in which case you are to receive him on board the *Caledon* if he wishes it, and to render him every assistance in your power.

You are to trust no remark or information to memory, but to note down such particulars as you learn, the first moment it is in your power, keeping the original notes.

Should you learn, so as to satisfy yourself of the Fact, that the Enemy have no force, and are not collecting Stores at any place in those Seas, you are, on receiving an answer to the dispatch sent to the Governor of Mozambique, to proceed without delay off the Isle of France, where you may expect to fall in with the Squadron cruizing under my Orders, to windward of the Island and at a short distance from it; and the services of the *Caledon* being required there, you are not to cause the most trifling delay that can be avoided, or to remain in those Seas if you are satisfied by the intelligence you shall receive, that there is not a very material object to justify your so doing, and that it had a reference to preventing any succour reaching the Isles of France and Bourbon. You are to communicate with me by every possible means, common occurrences by the ordinary mode of Letters, and that which ought not to fall into the hands of the Enemy by the secret mode with which you are entrusted.

Given on board His Majesty's Ship *Raisonable*, Simon's Bay
18 May 1809.

(Signed) A. BERTIE.

[Copy.]

Proclamation by the EARL OF CALEDON.

Whereas some of the Inhabitants of this Town, residing on the Kaizer and Heeren Gragts, have applied, and obtained my permission, for lighting up those Streets at their own expence during the Night; And whereas this new Regulation, in consequence of its particular Utility and convenience, calls for the protection of Government, I have therefore judged it necessary to order and direct that the following Regulations shall be strictly attended to.

1st. The respective Owners of Houses or Packhouses standing at the Corners of the Streets leading into the Kaizer or Heeren Gragts shall allow Lanterns for holding the Lamps to be affixed to the Walls of their Houses or Packhouses, and to be secured against Wind and Weather as the Burgher Senate may deem necessary, without prejudice to each Individual.

2nd. These Lanterns, being affixed by Public Authority, are to be respected as such; and in case of the same being wilfully damaged or broken, the Person or Persons transgressing shall be fined in a penalty of 150 Rixdollars to be paid into the Town Treasury in aid of the expences of this Undertaking; and in case of the party or parties so offending not being able to pay the same, he or they shall be liable to Imprisonment, or Corporal Punishment, according to the nature of the case.

3rd. No person excepting those duly authorized thereto shall be allowed to open the Lanterns on any pretext whatsoever, under a penalty of 25 Rixdollars to be paid in like manner as above mentioned.

And that no one may plead ignorance hereof, it is hereby directed to be published and affixed in the usual manner.

Given under my Hand and Seal at the Cape of Good Hope, this 19th day of May 1809.

(Signed) CALEDON.

[Original.]

Letter from the EARL OF CALEDON to VISCOUNT CASTLEREAGH.

CASTLE OF GOOD HOPE, May 21st 1809.

MY LORD,—By His Majesty's Ship *Sirius* I had the honor to receive your Lordship's dispatch No. 24, to which I shall lose no time in giving a detailed reply after I shall have obtained the necessary information. An English ship called the *Spanish Hero* arrived here on the 17th instant from Monte Video, commanded by a Mr. Musgrave who was the bearer of a dispatch from the Commandant Elio, requesting a supply of 3000 Stand of Arms. I confess to your Lordship that I have felt considerable embarrassment at the request the more so as there was no King's Ship in which they might be forwarded and in whose Commander a discretionary power could have been invested of delivering them or not as circumstances should appear to justify. I also felt that the internal state of Spain having undergone material alteration since the date of Commandant Elio's dispatch, an alteration may in consequence have taken place in his council, nor am I in possession of the line of policy intended to be adopted by His Majesty in regard to the Spanish part of South America or the relation of amity existing between the Portuguese Government at the Brazils and the Settlements on the River Plate. On the other hand unwilling at this moment to mark suspicion in Spanish loyalty or perhaps commit essential injury by a refusal, the course I have determined upon as most prudent is that of delivering 2000 Stand of Arms to Mr. Musgrave upon his lodging the amount of their value in His Majesty's Treasury here and entering into securities in double the sum that he will take the arms in the first instance to Rio de Janeiro, there to abide the directions which he may receive from His Majesty's Minister to whom I shall communicate at length upon the subject. I should mention that the Arms which I propose to deliver are Dutch Arms recently lodged in the Ordnance Stores from the captured vessel *Hoop* and are not such as are ever used by His Majesty's Troops unless in cases of necessity.

The Governor of Mozambique having addressed a letter to me praying protection against the French Cruizers which have com-

mitted serious depredations upon the Portuguese trade within the jurisdiction of that Settlement I transmitted it to Vice Admiral Bertie who has taken the measures he conceives best calculated to afford assistance, but as the Vice Admiral proposes making this letter the groundwork of an application to My Lords Commissioners of the Admiralty for an addition to his force I have thought it right to apprise your Lordship of the circumstance and to transmit a Copy of the letter in question.

General Grey has requested me to mention to your Lordship, lest the consumption of Gunpowder here should appear to bear a greater proportion than is usually expended by an army of equal number, that the supply of Gunpowder to the Colony at large is entirely from the King's Stores, the Sale in any other manner being strictly prohibited. By the additional price of 3 Skillings being charged on each pound Government is reimbursed the expences.

As I conceived from the vague reports of some of the Colonists as well as from the more authentic information of the Missionaries, that much useful knowledge if not solid advantage might be obtained if a Gentleman of science could be induced to explore the more remote parts of this Angle of the African Continent, and Dr. Cowan, Assistant Surgeon to the 83rd Regt. offering himself for the undertaking, I lent him such assistance as I thought requisite to enable him to prosecute the enterprize with effect.

He left the Colonial boundary on the 30th of October and crossing the Orange River without much difficulty reached Leetekoo the former Capital of the Boshuana Nation, from thence he continued a North East course and on the 24th of December found himself in 24° 30' Lat. 28° Long., a distance in that direction which I believe no European traveller had before attained. In preference to a return by Land I recommended to him if possible to gain Mozambique or one of the Portuguese Settlements on the Eastern Coast, and I have the satisfaction of learning from a Missionary of the name of Anderson who parted with him then, that there was every appearance of a successful termination to his attempt. The most distant Nation which he reached is called the Wanketchies. It is governed by a King and is so far civilized that the wealthy inhabitants are possessed of Slaves and Servants. The Country through which Dr. Cowan travelled is represented as level and for the most part sufficiently watered and fertile.

Your Lordship will I trust pardon me for not having previously communicated my sanction of Dr. Cowan's mission, but I was awaiting the first intelligence of his progress which until within these few days had not reached me.

As the Salary attached to the office of Postmaster General appears very inadequate to the support of the person holding so responsible a situation, I venture to recommend to your Lordship that it should be increased 500 Rds. per annum, it was an appointment formerly held in conjunction with some other equally or more lucrative but being now separate it seems just that the Gentleman holding it should derive an income sufficiently large to enable him to support the respectability of the Office and with the increase which I have proposed it will only amount to £500 Sterling per annum. I have &c.

(Signed) CALEDON.

[Original.]

*Letter from VICE ADMIRAL BERTIE to the
HONOURABLE W. W. POLE.*

Raisonable, SIMON'S BAY, 22nd May, 1809.

SIR,—In submitting to you for the information of their Lordships the Copies of a correspondence between William Shield Esq. (whom they have been pleased to appoint Resident Commissioner at the Cape of Good Hope) with myself, herewith accompanying, in which I am concerned to state a difference of opinion it will appear has arisen on points intimately connected with the Interests of the Service, and in relation to those in the forwarding of which I am more immediately engaged.

I consider it due from me to their Lordships as necessary in self justification to state with as much conciseness as possible the motives and grounds of my proceedings.

Their Lordships are apprized from the tenor of my former communications of the state in which on my arrival I found the Squadron committed to my charge, the force much reduced from various circumstances, and most of the Ships remaining on the Station inefficient for active service. Finding the means of the Naval Yard Establishment very limited, the number of Artificers in the Squadron equally confined, I very soon found it expedient

to sanction the hire of Artificers in the Colony to assist the equipment of the Ships, and disposing my small force to the best of my judgment, following the Instructions with which I had been furnished for my general guidance; I had the satisfaction to find in a very short period my efforts for the annoyance of the Enemy attended with more success than I could have calculated upon from the advanced season of the Year, which rendered their return to Port necessary to avoid the hurricane months.

Subsequent circumstances resulting in a great degree from the first operations of the Squadron were such as to determine me to declare the Isles of France and Bourbon in a state of strict Blockade. Having adopted this measure, it became necessary to give every possible effect to it, and that the Ships should be refitted for sea without delay; to this end it was expedient to increase the Naval Yard Establishment by every means, and a succession of circumstances occurred to prove the utility and necessity of the means employed, particularly when it is recollected (as will appear on reference to the Progress of the Naval Yard) that in addition to the *Charwell*, the *Harrier*, the *Nereide*, and *Raisonable*, all of whom have required very heavy repairs, the *Caledon* and *Seaflower* have been fitted out, and those Ships on their passage from India with Convoys (but more especially the *Albion*) have required repairs to enable them to proceed on their destinations; independent of the ordinary works requisite for the Squadron in general. Of the competency of the Artificers so employed, of their respective fitness and ability in their several branches, I have this to observe, that the whole of the Men discharged from the Ships of War, and others entered on the Books of the Naval Yard Establishment as extra Artificers, by my order, have been individually and specifically applied for by the Master Shipwright, who from observation and experience represented them as being men of approved good conduct and excellent Workmen, and the Danish Shipwrights (Prisoners of War) were particularly pointed out by him as eligible to be retained.

As it respects the hire of Colonial Artificers, who are paid at a higher rate than are those in the service of Government, it has been proved that their labour does not equal that of an European, and experience has equally demonstrated that it is a resource not to be depended upon to an extent equal to the exigencies of the Service.

Having received by the *Cornelia* their Lordships' instructions directing the strict Blockade of the Mauritius, it could not be a matter to be contemplated with indifference by me, that having acted upon the intelligence I had received, and undertaken this important object, I had (with the view to promote the interests of the Country) but anticipated their Lordships' intentions; and having this sanction, and naturally judging that in proportion to the difficulties to which the Enemy were reduced, would increase their exertions for their relief; and having had the strongest reason to believe (what has since been confirmed) that reinforcements of Ships and Supplies were on the way from Europe to the Isle of France, it appeared to me that I should have been exceedingly wanting in duty to their Lordships and to the Country, had I failed to apply every resource to the most speedy equipment of every Vessel, in order that as many points as possible might be guarded until further force should arrive, and from this opinion I have never departed.

The consequences that may result from the reduction of the extra Establishment of the Naval Yard thus precipitately cannot be estimated until the remedy can no longer be applied; it has been a measure I have judged it a most imperious duty strenuously to resist. My motives are before their Lordships, and though too much Economy cannot be practised in every department, I do not hold it good when it hazards the attainment of an object of such importance to the Country.

In reference to this subject I have one more observation to offer, which is that so actively have the Services of each individual forming part of the Naval Yard Establishment (for the time being) been called for, that there are no conversions or any work beforehand to meet the exigencies of the moment, which should in these Seas in the execution of such Service be more particularly provided against, that the artificers have been repeatedly working extra hours as well as Sundays, and the Storehouses both here and at Simons Town remaining nearly in the same state in which they were represented to me by the Officers of the Yard, on my arrival in the Colony, by their Letter of the 22nd September, on the subject generally of the Naval Yard Establishment. I have &c.

(Signed) A. BERTIE.

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